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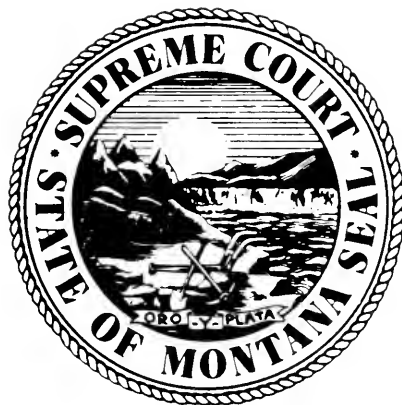
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REPORT



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ANNUAL REPORT OF THE
MONTANA JUDICIAL SYSTEM
CALENDAR YEAR 1990

J. A. TURNAGE
CHIEF JUSTICE

A PUBLICATION OF THE
OFFICE OF THE
COURT ADMINISTRATOR
ROOM 315, JUSTICE BUILDING
215 NORTH SANDERS
HELENA, MT 59620

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STATE OF THE JUDICIARY

STATE OF THE JUDICIARY ADDRESS

HONORABLE J. A. TURNAGE
CHIEF JUSTICE
MONTANA SUPREME COURT

A Report to a Joint Session
of the 52nd Legislature

February 5, 1991

Thank you President Mazurek, Speaker Harper, Leaders of the Democratic and Republican Parties of the House and Senate, Members and staff of the 52nd Legislature, distinguished guests, ladies and gentlemen.

On behalf of the entire Court, I would like to thank you for allowing me this opportunity to speak before this 52nd assembly of the Montana Legislature. As a former member of the Legislature, I appreciate all the more the opportunity to be among old friends and to have the chance to meet new ones. I understand that there are 47 new members of the Legislature. To all the new members -- and to the veterans who have been here before - I would like to extend an open invitation to visit the offices and members of the Supreme Court. If you have a chance during the Session -- please come by.

This honor to speak before you today is also an opportunity. In the few minutes available, I would like to provide a brief overview of your judicial system; what it has accomplished in the past two years, what it should accomplish in the next two years, and to ask for your support in providing Montanan's with a healthy court system.

As we begin this last decade of the 20th century, we have a court system that is relatively healthy.

At the Supreme Court, the 1990 caseload is near historic highs; there were 633 new filings and 387 formal opinions issued. In addition, approximately 250 other cases or proceedings such as petitions for habeas corpus, post conviction relief and extraordinary writs were disposed of by the Court. Notwithstanding this caseload, there is little delay in adjudicating cases. This is due in large part to the diligence of seven Justices and their staff, and because the Court has adopted a number of changes over the past few years meant to improve caseload administration. Changes have included the use of abbreviated, non-citable opinions, changes in internal operating rules, and adoption of a classification system for cases that reduces work duplication and conserves resources.

This heavy caseload can only be handled because we have a 7-member court.

District Courts in Montana likewise have a large caseload -- although the type of case mix is changing. The criminal caseload in District Courts has increase almost 15% since 1987. Civil cases statewide have fallen 13% over the same period. District Court Judges worked very hard in the past biennium keeping up with new cases. Just as importantly, they have reduced the total number of pending cases by about 8%.

It is in the Courts of Limited Jurisdiction -- Justice of the Peace and City and Municipal Courts -- that most Montana's see their Judicial System up close. With about 120 judges, these courts handle close to 300,000 cases a year. These judges are to be commended for their dedication, hard work, and attention to detail. Their commitment to professionalism is high on the list of accomplishment this biennium. For example, Limited Jurisdiction Judges participated in more than 50 hours of training this year and completed a grueling certification test.

There are many other actors in the Judiciary who play a crucial role in providing justice in Montana. I can not mention them all. But let me highlight three organizations that are vitally important.

The Supreme Court's Commission on Practice is charged with investigating complaints against attorneys. The Supreme Court is serious about lawyer discipline.

The Commission has seen an increase in its caseload in the past five years of 55%. The members of this Commission spend literally hundreds of hours each year -- for no remuneration -- policing the practice of law in our state and protecting the rights of our citizens. On behalf of the Court, and I believe I speak for all of us, I would like to publicly thank the members of this Commission for this important work.

Let there be no misunderstanding here. Lawyers needing discipline are the exception and not the rule in Montana. Complaints against the legal profession amount to less than one complaint per 100 attorneys per year. That low rate is due in large part to the professionalism of our Bar and the constant efforts of the State Bar of Montana. The State Bar has engaged in a number of public service programs in recent years. The State Bar's encouragement of free legal services to Montana's poor is an example of a State Bar that has renewed vigor and a commitment to all our people.

Individual members of the State Bar annually devote -- without compensation -- many hours of service on boards and commissions that assist and improve the justice system. The Judiciary and our citizens owe these dedicated men and women lawyers their sincere appreciation.

Let me turn from members of commissions and the State Bar to recognize other workers who contribute vital services to the judicial system. Montana's Clerks of District Court

provide the basic record and case management work that keeps the judicial system moving. The Clerk's organization -- the Montana Association of Clerks of District Court -- recently celebrated its 25th anniversary. In this biennium the Clerks of Court have organized a comprehensive training program aimed at improving the operation of their offices statewide. Professional, quality training of this kind is vital to court improvement efforts. I commend the clerks for their hard work and vision.

I said earlier in my talk that the judicial system in Montana is "relatively healthy". Health is something we cannot take for granted. I would like to mention a couple of concerns that we have that this Legislature and future Legislatures may want to consider.

There are numerous elements of our system that are showing signs of stress and even crisis.

We are all aware that the district courts in various areas are experiencing budgeting difficulty. You have before you several bills that address this issue. It would not be proper to comment on specific bills. However, I would like to ask that as you consider the alternatives, you take a long-range approach that seeks to fashion a system that provides reasonable funding for all our courts. The Constitution requires it and citizens who seek their day in court deserve it.

Judicial salaries seem to be a perennial issue in Montana. Why is that? The issue keeps coming back with such visibility because we have dug ourselves into a very large hole on this issue. Montana judicial salaries are the worst in the nation -- below even Guam, Puerto Rico, and the Virgin Islands. They have not always been this bad by comparison.

Fully 50% of the 36 District Court Judges in our state have under 6 years of experience. This high turn over is due in part to an aging judiciary, but it is also due to inadequate compensation levels. The salary issue will keep coming back to the Legislature until it is solved because inadequate compensation fundamentally threatens our ability to maintain and attract first-rate candidates to judicial office.

The Montana Judges Association, with the support of many other organizations, will offer a bill this Session that is meant to bring Montana judicial compensation back to a reasonable level and it does so with hardly any general fund support. I hope you will give the bill favorable consideration.

There are many other issues affecting the health of our judicial system that demand our informed attention. I have time to highlight only a couple.

Take our general trial courts for example. Montana has 36 district court judges in 20

judicial districts sitting in 56 courthouses across our great state. More than half our district court judges do not have a law clerk. Many have no secretary. Most have none of the modern office equipment common in other county offices. This general paucity of resources is equally true in Limited Jurisdiction Courts. I mention this because I believe it is necessary for the Legislature and other Montanans to understand that this lack of resources is typical of Montana courts and affects our ability to provide modern judicial services.

Notwithstanding the lack of resources, there are serious efforts within the Judiciary to promote improvements. The training that is occurring at all levels of the court system is an important example of how we can improve the administration of courts and service to our citizens. These efforts are to be encouraged and commended.

Improvements recommended last year by the Supreme Court's Commission on Technology is one area that I would like to especially mention. After careful study, the Commission on Technology recommended to the Supreme Court the adoption of computer standards in Montana Courts. The Supreme Court, in March of 1990, adopted the recommended standards with the view in mind that we simply must plan for automation of our courts in a uniform, cost-effective manner. By the way, the standards adopted by the Court are the same standards employed in the Legislative and the Executive branches of state government.

This session we will ask you to consider a bill that funds court improvement through automation over a five year period. We propose to fund court automation through a \$1 fee on vehicle registrations and re-registrations. We believe such a fee is reasonable and that it has a direct connection to courts: 2/3rds of all cases in limited jurisdiction courts are related to vehicles; many cases before District Courts involve questions arising out of vehicular activity. I might also mention that the district court criminal reimbursement program receives 7% of the 2% tax on vehicles. There is a rational basis for considering this request.

There is an absolutely clear need for providing courts with modern tools to do the job that the Legislature charges them with doing. Let me mention just two examples. When someone is charged with DUI in Montana, the Legislature requires the judge (usually a Justice of the Peace or a City Judge) to apply progressively harsher penalties for 1st, 2nd, 3rd, and subsequent offenses. With the "shoe box technology" that exists in most of our courts, there is no easy way for most judges to know how many times someone has been convicted of DUI in their court -- and almost no way at all to know if DUI convictions have occurred recently in other courts.

Enforcing restitution orders is another area that would benefit greatly from automation. Enforcing restitution to victims is a cooperative effort of the courts and the county attorneys. Manual systems for making sure that victims of crime are repaid are awkward

and inefficient. Automation would allow better tracking of fines, business like pursuit of unpaid restitution, and timely notice to county attorney and judge when problems are occurring. There are many other areas -- such as child support -- in the court system where timely enforcement can benefit our citizens, enhance restitution payments to victims of crime and reduce welfare costs.

Planned, uniform and systematic use of modern automation tools in our courts is long overdue in Montana and will pay dividends to all our citizens. I hope you will seriously consider our request. We need your help.

Finally, I would like to conclude by saying that it is truly a pleasure to address the members of this Legislature and to repeat a sincere invitation that you take a few moments to come and visit not only the offices of the Supreme Court here in Helena but the courts in the cities and towns across our state. We need your help and your understanding to improve our judicial system. Only by working together can we make the improvements in our court system that all Montanans deserve.

Thank you for inviting the Court.

1990 JUDICIAL REPORT

PROFILE OF THE MONTANA JUDICIAL SYSTEM

STRUCTURE OF THE COURT SYSTEM

The Judicial power of the State of Montana is vested in a three-tiered structure of appellate, general, and limited jurisdiction courts. These are represented respectively by the Supreme Court, District Courts, and Courts of Limited Jurisdiction.

In addition, legislatively created courts exist for the adjudication of special legal issues. The Workers Compensation Court and Water Court are examples of these specialty courts.

Selection and Removal of Judges

All Judges in Montana are elected in nonpartisan elections. Supreme Court Justices are elected for eight-year terms; District Court Judges for six-year terms; and all other judges serve four-year terms.

Vacancies in the Supreme Court and District Courts are filled by election if a term has ended and by gubernatorial appointment if a vacancy occurred during a term. However, before a vacancy can be filled by gubernatorial appointment, the Judicial Nominations Commission must first submit a list of three to five nominees to the Governor from which the Governor must make an appointment. If the Governor fails to nominate within 30 days of receiving a list of nominees from the Judicial Nominations Commission, the Chief Justice or acting Chief Justice makes the appointment. Each person nominated must be confirmed by the State Senate. If the Senate is not in session the person nominated serves until the end of the next session of the Legislature. If the nomination is not confirmed by the Senate the office is vacant and another selection and nomination is made.

A vacancy in the office of Chief Water Judge is filled by appointment of the Chief Justice from a list of nominees submitted by the Judicial Nomination Commission.

A vacancy in the office of Workers' Compensation Judge is filled by appointment of the Governor from a list of nominees submitted by the Judicial Nomination Commission.

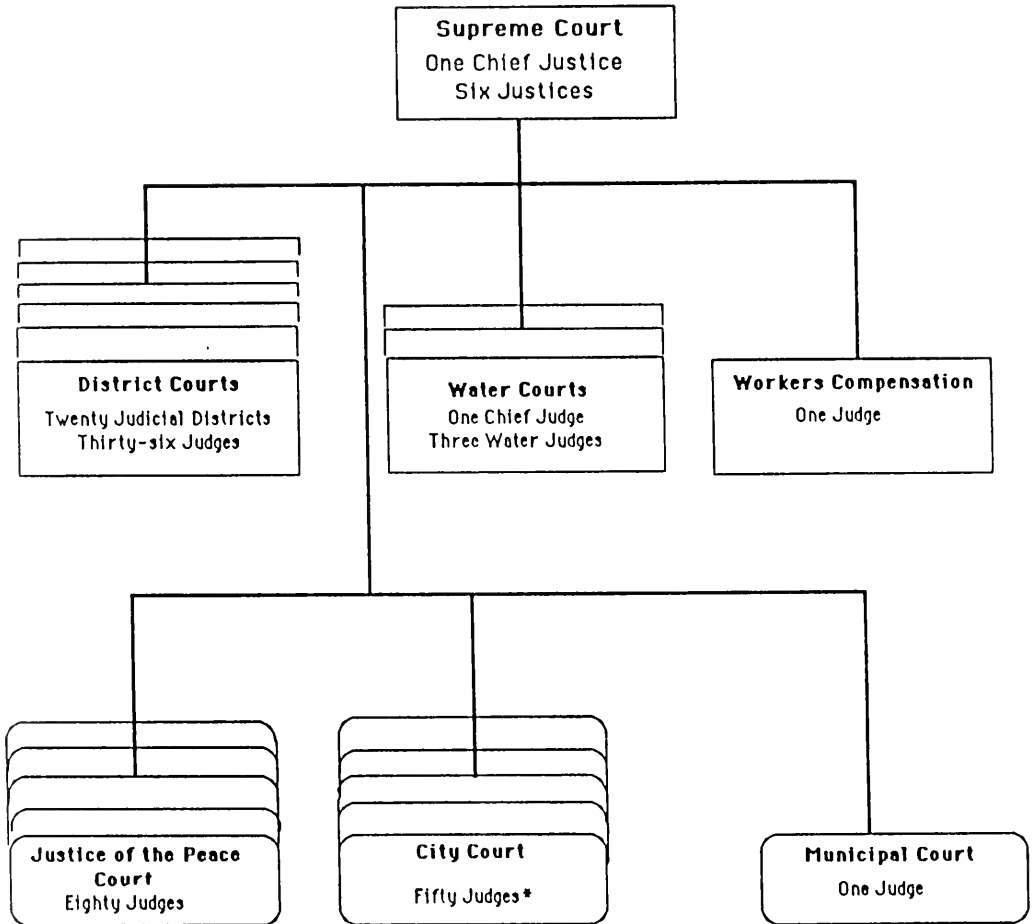
Vacancies in the office of Justice of the Peace are filled by appointment of the County Governing Body.

Vacancies in the office of City or Town Judge are filled by appointment of the City or Town Governing Body.

If a vacancy occurs in a Municipal Court, it is filled by appointment of the Municipal Governing Body.

Under the Montana Constitution the Supreme Court, upon the recommendation of the Judicial Standards Commission, may retire any justice or judge for disability that seriously interferes with the performance of his duties, or censure, suspend or remove any justice or judge for willful misconduct in office, willful and persistent failure to perform his duties, violation of the canons of judicial ethics adopted by the Supreme Court, or habitual intemperance.

STRUCTURE OF THE MONTANA JUDICIARY



*Thirty seven Justices of the Peace also serve as City Judges.

THE MONTANA JUDICIARY A BRIEF HISTORY

SUPREME COURT

The Territory of Montana was organized by an Act of Congress, approved May 26, 1864. Section 9 of the Act vested the judicial power of the State in a Supreme Court, District Courts, Probate Courts and Justice of the Peace Courts.

The first term of the Supreme Court of the Territory of Montana was held in Virginia City on May 17, 1865. Hezekiah L. Hosmer served as the first Chief Justice. Ammi Giddings was appointed Associate Judge, but resigned immediately and did not serve. Lorenzo P. Williamson and Lyman E. Munson who was appointed to replace Ammi Giddings sat as Associate Justices.

In the early Territorial period, Justices of the Supreme Court each presided over one of the territory's judicial districts. This arrangement usually meant that when a case was appealed to the Supreme Court, one of the Justices personally had tried the case at the District Court level. This system changed in 1886 when Congress provided for the appointment of a fourth Justice and provided for disqualification on appeal of a Justice who had tried a case in District Court.

In the initial years of the Court, decisions about cases were rarely given in writing. In January, 1872, the Territorial Legislature provided for written reporting of Supreme Court decisions.

The July, 1889 term of the Territorial Supreme Court was the last term held before Montana became a State on November 8, 1889. When the Territorial Supreme Court adjourned sine die on

October 5, 1889 -- the Territorial period ended and the modern era of statehood began.

Statehood brought several changes to Montana's Judicial System. During Territorial days, Justices and District Judges were appointed by the President of the United States. After 1889, Montanans turned to a system whereby they elected justices, district, and local judges and judicial officers. They hoped thereby to encourage "more prompt and accessible administration of justice". Justices, District and local judges were elected on a partisan ballot until 1909 when a brief and largely forgotten experiment in nonpartisan judicial elections was established. (Laws of 1909, Chapter 113) This law was enacted with only one opposing vote in the closing days of the 1909 session. The law prohibited partisan filings by judicial candidates and required their nomination by citizen petition. 1910 was an "off" year for judicial elections; only the Chief Justice and two District Judges were to be chosen. Chief Justice Brantly, known as a populist Republican won a third term receiving 39% of the votes in a field of four candidates.

Voters evidently missed party labels since the total vote cast in the 1910 nonpartisan contest was notably small. Fewer than half of those who voted for Clerk of the Supreme Court on the partisan ballot voted for the Chief Justice on the nonpartisan ballot. The experiment was terminated in 1911 when the Supreme Court on a complaint of a Republican candidate for Butte Police Judge held the legislation unconstitutional. The 1935 Legislature (Laws of 1935 Chapter 182) made judicial elections nonpartisan for a second time, but the effect on voter participation was not so dramatic as in the one-election

experiment of 1910.

Article VIII of the 1889 Constitution established a three-member Supreme Court with members elected to six-year terms.

During the first three decades of Statehood the Supreme Court remained at three Justices but the caseload required additional resources in order to keep current. The 1903 Legislature provided for the appointment by the Supreme Court of a three member Court Commission "of legal learning and personal worth" to assist the Court -- at a salary of \$4,000 a year for Commissioners. The term of office for the Court Commission was four years, during which time the Commissioners were prohibited from engaging in the practice of law. When the 1905 Legislature failed to provide an appropriation for the salary of the Commissioners salaries, they all resigned.

The 1919 Legislature increased the membership on the Supreme Court to five members.

In 1921 the Legislature approved the second Court Commission and directed the Supreme Court to appoint "from among the duly elected, qualified and acting District Judges of the State of Montana, from any of the various counties or districts three (3) of such judges to act for such period of time as may be designated in the order appointment as Commissioners of the Supreme Court".

The Supreme Court remained at five members until the 1979 Legislature authorized two additional Justice positions to assist in handling the overburdened Court calendar.



THE MONTANA SUPREME COURT

Standing left to right, Justices R. C. McDonough, John C. Harrison, John C. Sheehy, Chief Justice J. A. Turnage, Justices William E. Hunt, Sr., Diane G. Barz and Fred J. Weber.

DISTRICT COURTS

The 1889 Constitution established eight judicial districts with one District Judge in each district elected for a four-year term. The number of judicial districts has fluctuated over the last century. The growth in the number of counties beginning in 1911 led to the creation of twenty judicial districts by 1919. The number of judicial districts shrank to 16 in 1932, expanded to 19 in 1977 and settled at the present 20 in 1984.

The number of District Court Judges has likewise grown since the beginning of Statehood. Starting with eight District Court Judges in 1889, the Legislature quickly added second judges in the State's two largest cities -- Helena and Butte - - in 1891. Today there are 36 District Court Judges.

COURTS OF LIMITED JURISDICTION

A majority of citizens receive their first exposure to the judicial system in the Courts of Limited Jurisdiction which are the Justice of the Peace, City and Municipal Courts. The Constitution of 1889 provided for the creation of the Justice Courts, Police and Municipal Courts. The Constitution of 1972 retained the Justice of the Peace Courts as a constitutional office and deleted any reference to Police or Municipal Courts, but allows the Legislature to create other courts such as City or Municipal courts.

Judges in the Courts of Limited Jurisdiction are elected for a four year term and are required to attend two annual training sessions supervised by the Supreme Court. Failure to attend the training sessions results in disqualification of the Judge from office.

CHANGES AFTER 1972

The adoption of a new judicial article in the 1972 Constitution did not substantially change the traditional structures of the Montana Judiciary. It did, however, make a number of modifications. For instance, terms of Supreme Court Justices were extended from six to eight years and District Court Judges terms went from four to six years. Structurally more significant, the new Constitution adopted a version of merit recruitment for judicial officers that has been described as a unique hybrid of the "Missouri Plan". While the Governor appoints judicial officers when vacancies occur, candidates can file against a judge seeking reelection or for a position that is open due to a judge not seeking reelection. After 1974, if a sitting judge is unopposed when seeking reelection, voters are given a "Yes" or "No" choice as to whether to retain the judge.

SUPREME COURT

The Montana Supreme Court consists of one Chief Justice and six Justices. Each Justice is elected for an eight year term in a statewide nonpartisan election. Terms are staggered so that no more than two justice positions are scheduled for election at the same time. A Justice of the Supreme Court must be a citizen of the United States and have resided in Montana two years immediately before taking office and must have been admitted to practice law in Montana for at least five years prior to the date of appointment or election.

The Chief Justice of the Montana Supreme Court is elected to the position by the electorate in a statewide election. The Chief Justice is the administrative head of the Supreme Court,

presides over Court conferences, and represents the Court at official state functions. The Chief Justice presides at all oral argument sessions of the Supreme Court. In the event of the absence of the Chief Justice, the Justice having the shortest term remaining to be served presides as Acting Chief Justice.

The Montana Supreme Court is the highest court of the State of Montana. It functions both as an appellate court, (Court of Review) and as a court of original jurisdiction. The Supreme Court has original and concurrent jurisdiction over extraordinary writs. Trials are not held by the Supreme Court; oral arguments before the Court consist solely of legal arguments made by attorneys.

The Supreme Court's daily operations are guided by the Court's Internal Operating Rules, which are promulgated by the Court to facilitate the prompt and efficient handling of all matters before it. The Justices meet twice a week in Court conferences where matters presently pending before the Court are discussed. At its Tuesday conference, the Court considers pending petitions for original jurisdiction, motions which should be considered by the full Court, and other miscellaneous matters. At its Thursday conferences, the Court considers proposed opinions, petitions for rehearing, and appeal classifications.

Each appeal that comes before the Court is "classified" by a five Justice panel of the Court. The most common classifications of appeals are (1) full oral argument before the Court sitting en banc, or (2) submitted for decision, either to a panel of five-Justices or to the Court sitting en banc, solely on the briefs filed by the parties without oral argument. Once this classification is made, the case is assigned to a Justice for drafting an opinion. The Court attempts to render its decision within 120 days of submission.

The Supreme Court calendar is divided into "terms". Four such terms must be held each year at the seat of government, commencing on the first Tuesday of March, June, October and December. The Court generally sets an oral argument calendar for each month of the year except July and August.

The Supreme Court has broad constitutionally-based administrative authority over the Bench and Bar. The Court has supervisory control over all state courts and the responsibility to ensure the efficient and effective operation of the judicial system. The Court has general authority to adopt rules of practice and procedure (subject to disapproval by the Legislature), to maintain high standards of judicial conduct, and to regulate admission to the practice of law and the conduct of members of the legal profession.

The Court fulfills its administrative responsibilities with the assistance of various court officers and advisory boards and commissions. These are explained in detail in another section of this report.

Current members of the Supreme Court are:

JEAN A. TURNAGE - Chief Justice. Born in St. Ignatius, Montana, March 10, 1926. Served in the U. S. Air Corps from 1944-1946. Received his law degree from the University of Montana in 1951. Elected County Attorney, Lake County in 1953 and was reelected to the office four times. Elected to the Montana House of Representatives in 1962 and the Montana State Senate in 1964 and served continuously until he assumed the office of Chief Justice on January 7, 1985. His wife's name is Eula Mae and they are the parents of two grown children.

DIANE G. BARZ - Justice. Born August 18, 1943 in Bozeman, Montana. Received a B.A. from Whitworth College in 1965 and J.D. from

the University of Montana in 1968. Engaged in the general practice of law and served as Deputy County Attorney, Public Defender and Public Administrator in Yellowstone County. Elected District Judge in 1978 in the 13th Judicial District and served in that capacity until her appointment as Justice of the Supreme Court in September, 1989. Justice Barz is the first woman to sit as a District Judge and as a member of the Supreme Court in the State of Montana. Married Daniel J. Barz and they are the parents of one son.

JOHN CONWAY HARRISON - Justice. Born April 28, 1913 in Grand Rapids, Minn. Came to Montana in 1928. Served in the U. S. Army from 1940 to 1946. Received his law degree from George Washington University in 1940. Served as County Attorney in Lewis and Clark County from 1954 to 1960. Elected to the Montana Supreme Court in 1960. Justice Harrison has served longer on the Supreme Court than any other Justice in Montana history. He and his wife Virginia, who died in 1984, were the parents of 3 sons and 3 daughters. He married Ethel Harrison in 1987.

WILLIAM E. HUNT, SR. - Justice. Born in Tacoma, Washington. Came to Montana in 1945. Received his law degree from the University of Montana in 1955. Engaged in the general practice of law and served as Deputy County Attorney in Hill County and as County Attorney in Liberty County for ten years. Director of Montana Aeronautics Commission, 1970-1975; Was the first State Worker's Compensation Judge, 1975-1981. Elected to the Montana Supreme Court 1984. His wife's name is Mary and they are the parents of five children.

R. C. McDONOUGH - Justice. Born December 7, 1924 in Glendive, Montana. Received his law degree from George Washington University in 1949. McDonough served as Glendive City

Attorney and Dawson County Attorney and was a delegate to the 1972 Constitutional Convention. Elected District Judge in the Seventh Judicial District in 1982 and served until his appointment to the Supreme Court in May, 1987. His wife's name is Dora and they are the parents of 6 children.

JOHN C. SHEEHY - Justice. Born January 27, 1918 in Butte, Montana. Received his LL.B from the University of Montana in 1943. Served as a member of the House of Representatives in 1959 and 1965 and was a member of the Montana State Senate, 1969-1971. Appointed to the Supreme Court on April 12, 1978 and has served continually since that time. His wife's name is Rita and they are the parents of eleven children.

FRED J. WEBER - Justice. Born in Deer Lodge, Montana in 1919. Received B.A. and J.D. degrees from the University of Montana. Served in the infantry in World War II. Engaged in the private practice of law in Havre from 1947 until his election to the Supreme Court. Elected to the Montana Supreme Court in 1980. His wife's name is Phyllis and they are the parents of one daughter and three sons.



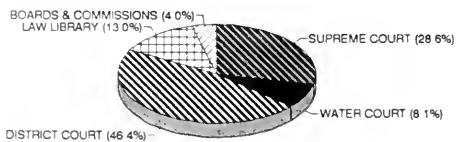
JUSTICE JOHN C. SHEEHY

Justice Sheehy retired January 7, 1991 after serving more than 12 years as a member of the Supreme Court.

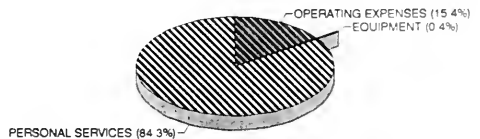
SUPREME COURT CASELOAD

	1989	1990	Percent Difference
New Filings	633	633	0.0%
Civil	471	435	- 7.6%
Criminal	161	198	+22.9%
Filings Carried over from Previous Calendar Year	334	349	+ 4.5%
Civil	261	255	- 2.3%
Criminal	73	94	+28.8%
Total Cases Docketed	967	982	+ 1.6%
Civil	732	690	- 5.7%
Criminal	235	292	+24.3%
Dispositions	618	621	+ 0.5%
Civil	477	425	-10.9%
Criminal	141	199	-41.1%
Cases Pending as of December 31	349	358	+ 2.6%
Civil	255	265	- 3.9%
Criminal	73	94	+28.8%
Formal Opinions Issued	353	387	

MONTANA JUDICIARY STATE FUNDING BY PROGRAM FY 91

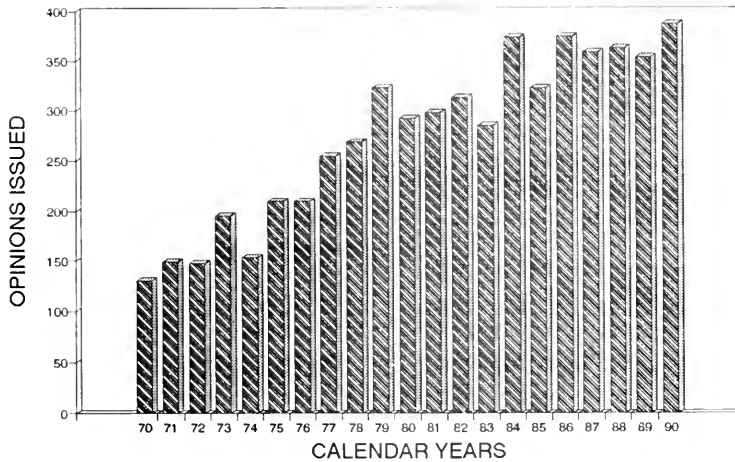


MONTANA JUDICIARY STATE FUNDING FY 91



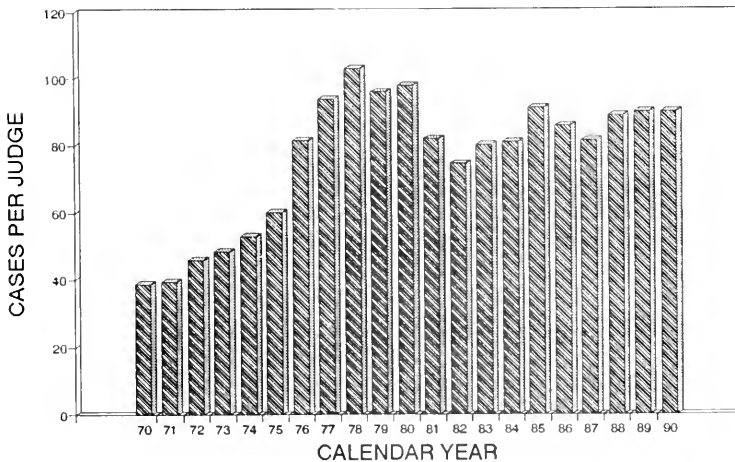
MONTANA SUPREME COURT

OPINIONS ISSUED 1970-1990



MONTANA SUPREME COURT

CASE FILINGS PER JUDGE 1970 - 1990



DISTRICT COURTS

There is a District Court in each of Montana's fifty-six counties. District Courts are Montana's Courts of General Jurisdiction. Montana District Courts exercise original and exclusive jurisdiction over all felonies, original jurisdiction over all cases in law and equity, and the power to issue such writs as are appropriate to their jurisdiction.

Appeals from Courts of Limited Jurisdiction to District Courts must be trials "de novo", which is a completely new trial held as if the original trial had never taken place.

District Judges are elected for six year terms. Requirements for the office of District Judge are United States citizenship, residency of the State for two years and being admitted to the practice of law in Montana for at least five years prior to the date of appointment or election. In the event of a vacancy in the office of District Judge, the Governor appoints a successor from a list of nominees submitted by the Judicial Nominations Commission.

Article VII, Section 6, grants the Legislature the authority to establish Judicial Districts and to provide for the number of Judges in each District. The Legislature may change the number and boundaries of Judicial Districts and the number of Judges in each District. Currently there are 36 District Court Judges in Montana in 20 Judicial Districts.

JUDICIAL DISTRICT REPORTS

(Where a report was submitted, the following information is in the words of the Presiding Judge).

1ST JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Lewis and Clark and Broadwater

NO. OF JUDGES: Three

1990 POPULATION: 50,566

AREA IN SQUARE MILES: 4,669

DENSITY PER SQUARE MILE: 10.83

DISTRICT JUDGES:

The Honorable Thomas Honzel
The Honorable Jeffrey Sherlock
The Honorable Dorothy McCarter

CLERKS OF THE DISTRICT COURT:

Lewis and Clark Co.	Clara Gilreath
Broadwater County	Nellie B. Sayer

FIRST JUDICIAL DISTRICT

The First Judicial District consists of the counties of Lewis and Clark and Broadwater. The three judges for this district are: The Honorable Thomas C. Honzel, Jeffrey M. Sherlock, and Dorothy McCarter. Each Friday, either Judge McCarter or Judge Sherlock travels to Townsend for court proceedings. The two judges alternate every year traveling to Townsend. Judge Honzel

serves as the youth court judge for both counties.

Because state government generates a number of complex cases, each judge has a law clerk. There are also three court reporters; one restitution officer; two secretaries (one who also serves as the court administrator) and four public defenders.

The three judges meet once a month at a scheduled judges' meeting. The meetings have dealt with varied topics from a security system for the court to which law library books should be discontinued because of funding shortages. Each judge has a day set aside for criminal law and motion once a week. Other matters are heard each day and the courthouse is rarely a quiet place for anyone.

There were a total of twenty-one jury trials from January, 1990 to October, 1990. Twelve of these trials were criminal, nine were civil. Five of the twelve criminal trials were DUI appeals. The cost of these trials (jury fees, witness fees, and mileage was \$26,477.76, not including jurors' meals).

We continue to work with the Court Administrator's Office of the Supreme Court on the computer pilot project. All of our judges, law clerks, restitution officer, and secretaries are networked with the Clerk of Court's office and Justice Court. This has opened many new doors for the courts. We look forward to continuing to learn about computers and what they can do to enhance the productivity of the court system.

Cases filed in the 1st Judicial District in 1990:

Criminal	303	10.66%
Civil	1,623	57.08%
Dom. Rel.	471	16.57%
Adoption	52	1.83%
Sanity	62	2.18%

Juvenile	133	4.68%
Probate	199	7.00%
TOTAL	2,843	

2ND JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Silver Bow

1990 POPULATION: 33,737

AREA IN SQUARE MILES: 715

DENSITY PER SQUARE MILE:
47.18

DISTRICT JUDGES:

The Honorable Mark P. Sullivan
The Honorable Arnold H. Olsen*
The Honorable James Purcell

CLERK OF THE DISTRICT COURT:

Silver Bow County Lori A. Maloney

*Judge Olsen died 10-8-90
Judge Purcell sworn in 11-30-90

SECOND JUDICIAL DISTRICT

The Second Judicial District is a one county, two Judge Judicial District which serves approximately 33,737 people. The Judicial District has been presided over by Judge Arnold Olsen who served

since 1975 and by Judge Mark P. Sullivan who has served since 1980.

The Second Judicial District is the smallest judicial district in area (715 square miles) but has the highest population density with 47.18 people per square mile.

Senior Judge Arnold Olsen passed away on October 8, 1990 after a lengthy illness. Governor Stephens recently appointed James Purcell to fill the vacancy, and swearing in by Chief Justice J. A. Turnage took place in Department II in the Butte-Silver Bow County Courthouse on November 30, 1990.

Judge Olsen's death signaled the end of an era, and he will be sorely missed.

Retired Judges Robert Boyd of Anaconda and Henry Loble of Helena have ably filled in during Judge Olsen's absence.

Judge Olsen was chiefly instrumental in drafting and adopting local court rules for the Second District, and it is expected Judge Purcell will work closely with Judge Sullivan in updating and implementing said rules. It is suggested that out-of-Butte attorneys obtain a copy of said local court rules to avoid problems and insure that their cases proceed smoothly.

Cases filed in the 2nd Judicial District in 1990:

Criminal	100	8.73%
Civil	561	49.00%
Dom.Rel.	237	20.70%
Adoption	15	1.31%
Sanity	34	2.97%
Juvenile	48	4.19%
Probate	150	13.10%
TOTAL	1,145	

3RD JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Deer Lodge, Granite and Powell

NO. OF JUDGES: One

1990 POPULATION: 19,326

AREA IN SQUARE MILES: 4,809

DENSITY PER SQUARE MILE: 4.02

DISTRICT JUDGE:

The Honorable Ted L. Mizner

CLERKS OF THE DISTRICT COURT:

Deer Lodge Co.:	Theresa Sladich
Granite Co.	Beverly L. Kulaski
Powell Co.	Mary Ann McKee

THIRD JUDICIAL DISTRICT

The Third Judicial District is comprised of Anaconda-Deer Lodge, Powell and Granite Counties. Unique to the district is the fact the Montana State Prison, the Galen State Hospital and the Warm Springs State Hospital are located within this jurisdiction. Because all of the mental health commitments from across the State are reviewed in this jurisdiction, a special courtroom has been established on the grounds of the State

Hospital for twice monthly court sessions. In addition, all felony crimes committed within the prison as well as all inmate escapes from the prison and its numerous satellite institutions are processed in the Powell County District Court. Writes of Habeas Corpus, civil rights complaints and miscellaneous civil actions filed by prison inmates are also processed in Powell County. A major concern in the district is the proposed closure by the Department of Institutions of both Galen State Hospital and the Warm Springs State Hospital.

The Court, in cooperation with the commissioners in each of three counties, oversees a tri-county public defender project. This project has resulted in efficient and cost effective legal representation for indigent defendants and youth. With the financial cooperation of the Department of Institutions, the Court was able this year to fund an additional part-time defender to handle the defense of all prison criminal cases. Also new are computers to help the Anaconda/Deer Lodge County Clerk of Court and the Court Reporter. Hopefully, the new technology will aid in the processing of the approximately 800 cases which are filed each year in the Third Judicial District. A secretary and/or law clerk are still on the judge's "wish list."

The Youth Court and its support services continue to manage the non-profit corporation that operates the Rock Creek Youth Camp. The Youth Camp provides youths in the district and in the surrounding area with summer-long outdoor recreational opportunities. A new part-time Powell County youth probation officer is expected to assume his duties in January, 1991, upon the retirement of long time sheriff and probation officer, David Collings.

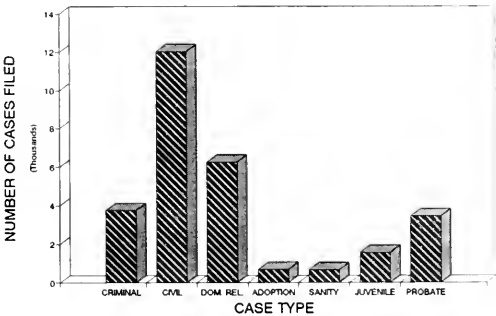
Friendly people, beautiful scenery and cooperative lawyers make the Third Judicial District a pleasant place to live and work.

Cases filed in the 3rd Judicial District in 1990:

Criminal	101	11.46%
Civil	314	35.64%
Dom.Rel.	150	17.03%
Adoption	7	.79%
Sanity	108	12.26%
Juvenile	76	8.63%
Probate	125	14.19%

TOTAL 881

MONTANA DISTRICT COURT
TOTAL CASES FILED - 1990



4th JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Mineral, Missoula and Ravalli

NO. OF JUDGES: Four

1990 POPULATION: 106,623

AREA IN SQUARE MILES: 6,216

DENSITY PER SQUARE MILE: 17.15

DISTRICT JUDGES:

The Honorable Jack L. Green
The Honorable John S. Henson
The Honorable Douglas G. Harkin
The Honorable Ed McLean

CLERKS OF THE DISTRICT COURT:

Mineral County	Audrey Peden
Missoula County	Kathleen Breuer
Ravalli County	Debbie Harmon

FOURTH JUDICIAL DISTRICT

The Fourth Judicial District serves the counties of Mineral, Missoula and Ravalli Counties and has four District Judges: Judges Jack Green, Douglas Harkin, John Henson and Ed McLean.

Audrey Peden is the Clerk of Court in Mineral County where she is assisted with one deputy. Debbie Harmon is assisted by four deputies while Missoula County Clerk of Court Kathleen Breuer is assisted by twelve deputies.

The Fourth Judicial District is experimenting with a Special Master program in Missoula County. The Special Master will handle domestic relations matters including contested hearings. The response of the attorneys has been positive although there are some "bugs" in the system that have to be worked out.

The District is also utilizing settlement conferences to attempt to alleviate the trial calendar. The conferences have been very successful thus far.

Overall the four Departments of the District have kept very current on the caseload that continues to increase, but it appears that we need a successful Special Master Program and Settlement Conference agenda if we are going to keep current with the increasing caseload.

Kathleen Breuer has greatly assisted in Missoula by converting her office over to computers and increasing the efficiency of her office while both Debbie Harmon in Ravalli County and Audrey Peden in Mineral County keep each Department current and advised of any pending cases that need immediate attention.

Cases filed in the 4th Judicial District in 1990:

Criminal	717	17.93%
Civil	1,585	39.63%
Dom.Rel.	991	24.78%
Adoption	97	2.43%
Sanity	60	1.50%
Juvenile	207	1.58%
Probate	342	8.55%

TOTAL 3,999

5TH JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Beaverhead, Jefferson and Madison

NO. OF JUDGES: One

1990 POPULATION: 22,338

AREA IN SQUARE MILES: 10,731

DENSITY PER SQUARE MILE: 2.08

DISTRICT JUDGE:

The Honorable Frank M. Davis

CLERKS OF THE DISTRICT COURT:

Beaverhead Co.	John Poundstone
Jefferson Co.	Marilyn J. Stevens
Madison Co.	Jerry R. Wing

which is in Beaverhead, and 29% from Madison and Jefferson. The Judge assumes an average of 20 cases per year from other jurisdictions, under the late Judge Arnold Olsen's NSN (never say no) policy.

The Court's staff consists of a stenotype court reporter with computer, and a secretary-administrative assistant. A law clerk is needed.

The Court believes that the judiciary should promote:

1. Funding of law clerks by the state.
2. Broaden the base of jury selection eligibility to include persons in addition to registered voters, perhaps, registered owners of motor vehicles.
3. Repeal the preemptory substitution of Judge statutes. The \$100.00 fee has not discouraged Judge shopping for delay.
4. Make 6 person juries mandatory in civil cases.

Cases filed in the 5th Judicial District in 1990:

Criminal	124	17.03%
Civil	268	36.81%
Dom.Rel.	110	15.11%
Adoption	20	2.75%
Sanity	15	2.06%
Juvenile	69	9.48%
Probate	122	16.76%
TOTAL	728	

FIFTH JUDICIAL DISTRICT

The Fifth Judicial District is a one judge district embracing Beaverhead, Madison and Jefferson Counties. Law and motion days are scheduled for Virginia City on Tuesdays, Boulder on Wednesdays and Dillon on Thursday and Friday. Monday is a housekeeping and decision making day.

The case load averages 450 per year, 42% of

6TH JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Park and Sweet Grass

NO. OF JUDGES: One

1990 POPULATION: 17,609

AREA IN SQUARE MILES: 4,466

DENSITY PER SQUARE MILE: 3.94

DISTRICT JUDGE:

The Honorable Byron L. Robb

CLERKS OF THE DISTRICT COURT:

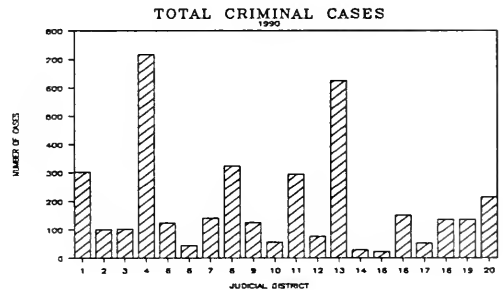
Park Co. June Little
Sweet Grass Co. Patty Jo Henthorn

Byron Robb has conducted forty-nine jury trials during that time, three of which were in other districts, but other judges have held a few in Livingston, so there is a jury trial on the average of about every two months either in Park or Sweet Grass County.

Cases filed in the 6th Judicial District in 1990:

Criminal	44	7.80%
Civil	226	40.07%
Dom.Rel.	151	26.77%
Adoption	9	1.60%
Sanity	11	1.95%
Juvenile	43	7.62%
Probate	80	14.18%

TOTAL 564



SIXTH JUDICIAL DISTRICT

News from the Sixth Judicial District is that long time court reporter Donald Franck retired in October 1990 after thirty-one years of service for three different judges. Don will be remaining on his Park County ranch, and be available for occasional work if called. He has been replaced by recently graduated Matthew Flanick, of Butte.

The annual case load in the district for the last eight years has averaged 560, plus the usual reruns in custody and support matters. Judge

7TH JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Dawson, McCone, Prairie, Richland
and Wibaux

NO. OF JUDGES: Two

1990 POPULATION: 24,964

AREA IN SQUARE MILES: 9,676

DENSITY PER SQUARE MILE: 2.58

DISTRICT JUDGES:

The Honorable Dale Cox
The Honorable H. R. Obert

CLERKS OF THE DISTRICT COURT:

Dawson Co.	Ardelle Adams
McCone Co.	Betty L. Robinette
Prairie Co.	Gladys Helen Young
Richland Co.	Arlene Riggs
Wibaux Co.	Roger J. Barnaby

SEVENTH JUDICIAL DISTRICT

The Seventh Judicial District is comprised of five counties and consists of two departments. Department 1 is presided over by Judge Dale Cox, serving Dawson, McCone, Prairie and Wibaux counties. Department 2 will be presided over by Richard Phillips who was elected in November, 1990, serving Richland County only, which has approximately 45 percent of the total District caseload. Phillips will take office in

January, 1991. He succeeds Judge H. R. Obert.

In 1988 Judge Cox, with the assistance of the Clerks of Court implemented an ongoing conference program for all pending cases, including periodic status reporting on all pending criminal, civil and probate filings. This program is working well, and to date all civil cases filed over 90 days are set for trial and unsettled probate files substantially reduced.

Since October 22, 1990 Judge Cox has had the responsibility of the entire District caseload and is looking forward to working with District Judge elect Phillips. Richard Phillips is a native of New Jersey. He moved to Montana in 1972. He was graduated from the University of Montana School of Law in 1976 and is currently a partner in the Sidney law firm of Cresap, Phillips & Weber. He is married to Jeannette Phillips, they have three children.

The Seventh Judicial District will see changes in the next year with a new District Judge and new county attorneys and staffs in Dawson and Richland Counties.

Consistent with many other Montana Judicial Districts, criminal and civil litigation continues apace with domestic relations cases consuming the greatest share of courtroom time.

Cases filed in the 7th Judicial District in 1990:

Criminal	140	15.17%
Civil	312	33.80%
Dom.Rel.	149	16.14%
Adoption	23	2.49%
Sanity	74	8.02%
Juvenile	36	3.90%
Probate	189	20.48%
TOTAL	923	

8TH JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Cascade

NO. OF JUDGES: Three

1990 POPULATION: 77,293

AREA IN SQUARE MILES: 2,661

DENSITY PER SQUARE MILE: 29.05

DISTRICT JUDGES:

The Honorable Joel G. Roth

The Honorable John M. McCarvel

The Honorable Thomas M. McKittrick

CLERK OF THE DISTRICT COURT:

Cascade Co. Nancy Morton

1990 due to lack of funds. A committee appointed by the State Bar of Montana is presently drafting legislation to correct the problem.

There have been 13 jury trials this year from January 1, 1990 through October 19, 1990.

The youth court held hearings and dispositions from January 1, 1990 through October 23, 1990 are as follows:

Court hearings:	78
Formal probation:	25
Pine Hills school:	23
Mountain View School:	4
Referred to Restitution:	23

Placements:

Yellowstone Treatment Center	2
Rivendell	3
Northwest Passage:	2
Home on the Range:	1
Foster placements:	6

Cases filed in the 8th Judicial District in 1990:

Criminal	325	11.57%
Civil	1,183	42.11%
Dom.Rel.	683	24.31%
Adoption	137	4.88%
Sanity	20	.71%
Juvenile	176	6.27%
Probate	285	10.15%
TOTAL	2,809	

EIGHTH JUDICIAL DISTRICT

The Eighth Judicial District consists of Cascade County and is served by three district judges, John M. McCarvel, Chief Judge, Thomas McKittrick and Joel G. Roth.

The highlight of this year has been the deficit financing of the court by the six mill limitation set by the legislature. The judges discontinued civil jury trials from March 19, 1990 until July 1,

9TH JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Glacier, Pondera, Teton and Toole

NO. OF JUDGES: One

1990 POPULATION: 29,793

AREA IN SQUARE MILES: 10,496

DENSITY PER SQUARE MILE: 2.84

DISTRICT JUDGE:

The Honorable Ronald D. McPhillips

CLERKS OF THE DISTRICT COURT:

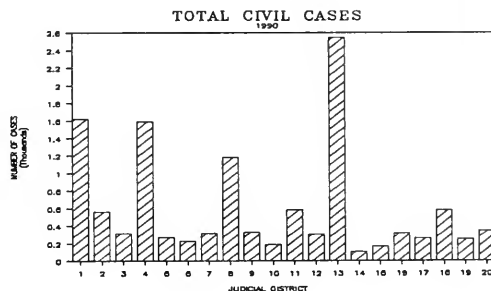
Glacier Co.	Mary Phippen
Pondera Co.	Anita White Jones
Teton Co.	Karen Peebles
Toole Co.	Penny Underdahl

issues dealing with jurisdiction.

Cases filed in the 9th Judicial District in 1990:

Criminal	125	15.74%
Civil	323	40.68%
Dom.Rel.	102	12.85%
Adoption	19	2.39%
Sanity	4	.50%
Juvenile	44	5.54%
Probate	177	22.29%

TOTAL 794



NINTH JUDICIAL DISTRICT

The Ninth Judicial District consists of Glacier, Teton, Pondera and Toole Counties with the Honorable R. D. McPhillips presiding. Judge McPhillips also travels extensively to other jurisdictions in Montana.

The Blackfoot Indian Reservation which is located in Glacier County and the 9th Judicial District presents the Judge with quite a few

10TH JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Fergus, Judith Basin and Petroleum

NO. OF JUDGES: One

1990 POPULATION: 14,797

AREA IN SQUARE MILES: 7,777

DENSITY PER SQUARE MILE: 1.90

DISTRICT JUDGE:

The Honorable Peter L. Rapkoch

CLERKS OF THE DISTRICT COURT:

Fergus Co.	Greta M. Ross
Judith Basin Co.	Acelia "Ann" Leach
Petroleum Co.	Bonny L. Allen

been handled by the Court's Youth Division. The business of the Court is as varied as the lives of the people who live here.

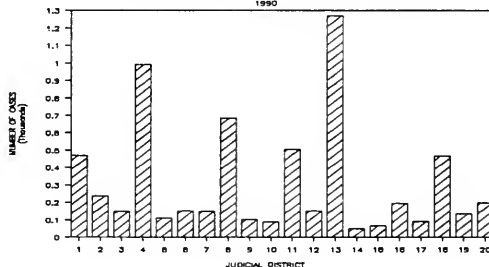
In addition to Tenth District cases, of course, the Judge has been called to preside over cases in other Districts. The Judges enjoy a warm and mutually helpful relationship among themselves and render invaluable assistance to each other. This mutuality of regard is especially appreciated in the single judge districts where it is vital to the administration of justice.

Cases filed in the 10th Judicial District in 1990:

Criminal	56	10.81%
Civil	188	36.29%
Dom.Rel.	88	16.99%
Adoption	17	3.28%
Sanity	6	1.16%
Juvenile	43	8.30%
Probate	120	23.17%

TOTAL 518

TOTAL DOMESTIC RELATIONS CASES



TENTH JUDICIAL DISTRICT

The Tenth Judicial District contains three counties: Fergus, Judith Basin and Petroleum. The population served is approximately 18,000. It is a one-judge district. There are 16 resident lawyers in the District, 12 in Fergus County, 4 in Judith Basin.

During 1990, (through October, 1990) 61 felony, 278 civil and 119 probate cases have been filed. A considerable number of youth cases have also

11TH JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Flathead

NO. OF JUDGES: Two

1990 POPULATION: 58,782

AREA IN SQUARE MILES: 5,137

DENSITY PER SQUARE MILE: 11.44

DISTRICT JUDGES:

The Honorable Michael H. Keedy
The Honorable Leif Barton Erickson

CLERK OF THE DISTRICT COURT:

Flathead Co. John Van

to form a settlement committee which provides a list of attorneys who will act as settlement masters.

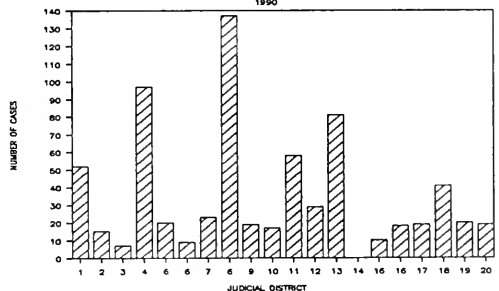
2. Working with the same bar association to provide pro bono services, including clinics, to indigent litigants in the field of domestic relations.
3. Revision of the local District Court Rules to compliment the Uniform District Court Rules.
4. Complete computerization of the Court, including computers for each of the judges.

Cases filed in the 11th Judicial District in 1990:

Criminal	296	16.98%
Civil	584	33.51%
Dom.Rel.	505	28.97%
Adoption	58	3.33%
Sanity	31	1.78%
Juvenile	34	1.95%
Probate	235	13.48%

TOTAL 1,743

TOTAL ADOPTION CASES
1990



ELEVENTH JUDICIAL DISTRICT

The Eleventh Judicial District is a two judge, one county Judicial District. The district is comprised of Flathead County.

Projects undertaken in the Eleventh Judicial District include:

1. Establishment of a format for mandatory settlement conferences, including working with the Northwest Montana Bar Association

12TH JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Chouteau, Hill and Liberty

NO. OF JUDGES: One

1990 POPULATION: 25,305

AREA IN SQUARE MILES: 8,293

DENSITY PER SQUARE MILE: 3.05

DISTRICT JUDGE:

The Honorable John Warner

CLERKS OF THE DISTRICT COURT:

Chouteau Co.	Louise V. Sagan
Hill Co.	Maryhelen Habeger*
	Dena Tippetts
Liberty Co.	Patricia Seidlitz

* Retired 10-1-90

the new Clerk of Court.

Documents may now be telefaxed to the Court in Fort Benton at (406) 622-3631, in Havre at (406) 265-5487, and in Chester at (406) 759-5799.

During the year 1990, 205 civil cases, 44 criminal cases and 69 probate cases have been filed in Hill County through October.

Through the first 10 months of 1990, 10 jury trials were conducted in Hill County. There were 256 cases, both civil and criminal, disposed of either by trial, dismissal, judgment, or other order.

Chouteau County had three jury trials and there were 43 civil cases, 6 criminal cases and 38 probate cases filed.

There were 18 civil cases, 5 criminal cases and 16 probate cases filed in Liberty County through October. Three cases were tried.

In Youth Court 565 referrals have been received. This is up 67 from 1989. There were 182 first-time offenders, including 30 which were from out of the district. Sixteen youth have been placed with various agencies from this district. The District Court has collected \$3,103.55 as restitution from youth offenders.

Cases filed in the 12th Judicial District in 1990:

Criminal	77	10.25%
Civil	301	40.08%
Dom.Rel.	151	20.11%
Adoption	29	3.86%
Sanity	5	.67%
Juvenile	45	5.99%
Probate	143	19.04%
TOTAL	751	

TWELFTH JUDICIAL DISTRICT

The Twelfth Judicial District is a one judge district composed of Chouteau, Hill and Liberty Counties. The caseload is approximately 70% Hill County, 23% Chouteau County and 7% Liberty County.

The Hill County Clerk of Court, Maryhelen Habeger, recently retired and Dena Tippetts is

13TH JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Big Horn, Carbon, Stillwater and
Yellowstone

NO. OF JUDGES: Five

1990 POPULATION: 137,698

AREA IN SQUARE MILES: 11,525

DENSITY PER SQUARE MILE: 11.95

DISTRICT JUDGES:

The Honorable William J. Speare
The Honorable Robert W. Holmstrom
The Honorable G. Todd Baugh
The Honorable Russell K. Fillner
The Honorable Maurice R. Colberg

CLERKS OF THE DISTRICT COURT:

Big Horn Co.	Janice Heath
Carbon Co.	Gayle M. Hilderman
Stillwater Co.	Marlene Johnson
Yellowstone Co.	Charmaine R. Fisher

J. Speare, Robert W. Holmstrom, G. Todd Baugh, Russell K. Fillner and Maurice Colberg, Jr. Presently the position of Chief Judge is held by Judge Speare, but by agreement of the Judges it rotates on an annual basis.

All five of the judges reside in Billings. There are only four courtrooms in Yellowstone County. Presently Judge Baugh rotates to a different courtroom on a weekly basis so that one judge is without a courtroom once every fifth week. Law and motion in Billings is Tuesday through Friday. In the other counties at least two law and motion days are scheduled per month. Each judge goes to one of the other counties on a regular basis, but the assignment to a county rotates on an annual basis.

While the cases in the district are fairly current it requires the effort of all five judges to attain this goal. In addition it is difficult to find time when all of the judges can met together to assess and define mutual problems facing the Judiciary. We at present try to accomplish a judges' meeting at least once a month on a regular schedule. We strive to have a preset agenda and to maintain informal minutes of those meetings.

The district has received favorable treatment from the constituent counties as to the budget. For example, each county contributes to the payment of a secretary and law clerk for each judge. On the other hand, the 6 mill levy does not raise as much as it used to and there will be pressures for additional funding for indigent defendants and juvenile matters. The degree of state reimbursement for these programs will continue to be a concern.

THIRTEENTH JUDICIAL DISTRICT

The Thirteenth Judicial District consists of Yellowstone, Stillwater, Carbon and Big Horn Counties. It is served by five Judges: William

Cases filed in the 13th Judicial District in 1990:

Criminal	625	11.47%
Civil	2,548	46.77%
Dom.Rel.	1,271	23.33%
Adoption	81	1.49%
Sanity	171	3.14%
Juvenile	278	5.10%
Probate	474	8.70%
TOTAL	5,448	

14TH JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Golden Valley, Meagher, Musselshell
and Wheatland

NO. OF JUDGES: One

1990 POPULATION: 9,070

AREA IN SQUARE MILES: 6,837

DENSITY PER SQUARE MILE: 1.33

DISTRICT JUDGE:

The Honorable Roy C. Rodeghiero

CLERKS OF THE DISTRICT COURT:

Golden Valley Co.	Aileen Mattheis
Meagher Co.	Kenneth K. Twichel
Musselshell Co.	Dona C. Robson
Wheatland Co.	Mary Helen Muggenburg

FOURTEENTH JUDICIAL DISTRICT

The Court's new Fax machine is a welcomed and helpful addition to the Court's work equipment.

The Court encourages telephonic hearings and conferences with the attorneys and Judge whenever practical. Many of these are on the record. The telephonic method is particularly valuable in the many out of district cases assumed by the Judge. Much time, travel and other expense is saved by the Court, the attorneys and the clients by these telephonic hearings and conferences.

An "Active Parenting" program for parents in the District has been instituted through the Youth Court in cooperation with the Montana Extension Service. The program includes twelve hours of classroom instruction over a six week period. We anticipate improved parenting skills through this program benefiting our youth.

Gordon Lindley, our new Youth Probation officer, appears to have firm grip on his duties with the Youth Court and is doing a fine job.

In addition to the regular court duties, we encourage and regularly invite classes from schools to our courtroom for educational purposes.

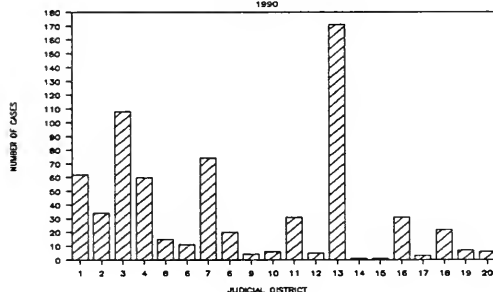
The district is approximately 200 miles east and west across the central part of Montana with an area larger than many states. The distance between the two further most county seats of Roundup and White Sulphur Springs is 130 miles. The district includes both plains and mountains in a highly agricultural and ranch based economy in addition to oil and gas, mining, lumbering and recreation. The Musselshell and Smith Rivers flow in this district. The Snowy, Belt, Castle, Crazy and Bull Mountains are found therein.

The district is sparsely populated with quality people. Much windshield time is spent in carrying out the duties of the District Judge.

Cases filed in the 14th Judicial District in 1990:

Criminal	29	10.25%
Civil	104	36.75%
Dom.Rel.	49	17.31%
Adoption	0	0
Sanity	1	.35%
Juvenile	27	9.54%
Probate	73	25.80%
TOTAL	283	

TOTAL SANITY CASES
1990



15TH JUDICIAL DISTRICT 1990

COUNTIES IN THE DISTRICT:

Daniels, Roosevelt and Sheridan

NO. OF JUDGES: One

1990 POPULATION: 17,916

AREA IN SQUARE MILES: 5,501

DENSITY PER SQUARE MILE: 3.26

DISTRICT JUDGE:

The Honorable M. James Sorte

CLERKS OF THE DISTRICT COURT:

Daniels Co.	Patricia McDonnell
Roosevelt Co.	M. Lorene Knudson
Sheridan Co.	Cheryl A. Olson

FIFTEENTH JUDICIAL DISTRICT

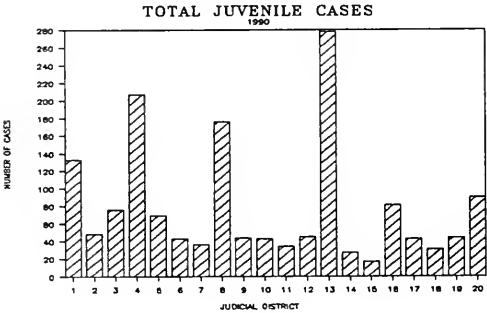
Court reporter, Calmer Ersness, resigned May 31, 1990 after forty-five years of service to Judges Nyquist, Hoven, Loucks and Sorte. The Court has contracted with Harry Rauch to provide court reporter services and hired Joann Hesel, a legal secretary, to fill in as court reporter.

The Clerks of Court are Lorene Knudson, Roosevelt County; Cheryl Olson, Sheridan County; and Pat McDonnell, Daniels County.

The counties in this judicial district continue to suffer from severe drought that has been on-going for several years.

Cases filed in the 15th Judicial District in 1990:

Criminal	22	5.43%
Civil	166	40.99%
Dom.Rel.	65	16.05%
Adoption	10	2.47%
Sanity	1	.25%
Juvenile	17	4.20%
Probate	124	30.62%
TOTAL	405	



16TH JUDICIAL DISTRICT
1990

COUNTIES IN THE DISTRICT:

Carter, Custer, Fallon, Garfield,
Powder River, Rosebud and
Treasure

NO. OF JUDGES: Two

1990 POPULATION: 31,502

AREA IN SQUARE MILES: 22,300

DENSITY PER SQUARE MILE: 1.41

DISTRICT JUDGES:

The Honorable Kenneth R. Wilson
The Honorable Joe L. Hegel

CLERKS OF THE DISTRICT COURT:

Carter Co.	Carole Carey
Custer Co.	Margaret Reid
Fallon Co.	Carol Wade
Garfield Co.	Charlotte Herbold
Powder River Co.	Arlynn Archer
Rosebud Co.	Collene Hill
Treasure Co.	Sally Van Hemerlyck

SIXTEENTH JUDICIAL DISTRICT

The seven county Sixteenth Judicial District is served by Kenneth R. Wilson and Joe L. Hegel, both elected in 1988, and both residing in Miles City. Judge Wilson's main office together with

a fairly complete and comprehensive law library, is located in the Custer County Courthouse. In addition to Custer County, Wilson serves Garfield and Powder River Counties on a regular basis.

Judge Hegel has an office in the Custer County Courthouse, but his main chambers and law library are located in the Rosebud County Courthouse. Hegel also serves Treasure, Fallon, and Carter counties on a regular basis.

Although the population is sparse, some 37,000 persons in the whole district, the distances between the county seats are great, necessitating much unproductive time behind the wheel.

A poll of the Clerks of Court in the sixteenth Judicial District reveals 871 filings of all types of cases since the last report, with Custer County at 390 filings and Rosebud County at 258 filings, so far the two busiest counties.

Once again we report that neither judge has a secretary nor a law clerk. These counties simply do not have the funding for support personnel of this type. Aside from the Clerk of the Court, the major expenditures from our budget go to support the juvenile probation department. This department should be under the same division as adult probation and the funding of district Courts under the county mill levy system should be supplanted by State funding.

In this day of required independent findings of fact and conclusions of law and legal opinions to support summary rulings, added court personnel are essential. As we stated in the 1989 report, some of the problems could be alleviated by rural county access to a centralized law clerk employed by the court system in Helena.

Cases filed in the 16th Judicial District in 1990:

Criminal	150	15.46%
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Civil	314	32.37%
Dom.Rel.	196	20.21%
Adoption	18	1.86%
Sanity	31	3.20%
Juvenile	81	8.35%
Probate	180	18.56%
TOTAL	970	

17TH JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Blaine, Phillips and Valley

NO. OF JUDGES: One

1990 POPULATION: 20,066

AREA IN SQUARE MILES: 14,462

DENSITY PER SQUARE MILE: 1.39

DISTRICT JUDGE:

The Honorable Leonard H. Langen

CLERKS OF THE DISTRICT COURT:

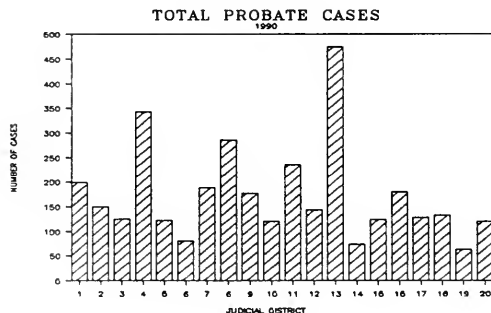
Blaine Co.	Kay Johnson
Phillips Co.	Frances M. Webb
Valley Co.	Patricia A. Hill

SEVENTEENTH JUDICIAL DISTRICT

The Seventeenth Judicial District includes Blaine, Phillips and Valley Counties. The Honorable Leonard H. Langen has served as District Judge in the Seventeenth Judicial District since 1983.

Cases Filed in the 17th Judicial District in 1990:

Criminal	53	8.86%
Civil	262	43.81%
Dom. Rel.	90	15.05%
Adoption	19	3.18%
Sanity	3	.50%
Juvenile	43	7.19%
Probate	128	21.40%
TOTAL	598	



18TH JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Gallatin

NO. OF JUDGES: Two

1990 POPULATION: 50,310

AREA IN SQUARE MILES: 2,517

DENSITY PER SQUARE MILE: 19.99

DISTRICT JUDGES:

The Honorable Thomas A. Olson
The Honorable Larry Moran

CLERK OF THE DISTRICT COURT:

Gallatin Co. Lorraine Van Ausdol

EIGHTEENTH JUDICIAL DISTRICT

The Eighteenth Judicial District includes all of Gallatin County and is served by two District Judges: Thomas A. Olson, Department No. 1 and Larry W. Moran, Department No. 2. Both courtrooms are located in the Law and Justice Center, 615 South 16th Avenue in Bozeman.

After much research and testing of equipment, Judge Olson has implemented the use of electronic court reporting equipment. After several months of use, Judge Olson is very

pleased with his system. He finds it helpful on submitted cases to re-listen to selected testimony. He feels this procedure can enable him to make more accurate findings.

On September 6, 1990, former Gallatin County Justice of the Peace, H. P. Goan, was appointed as the District Court Administrator. Mr. Goan served for eight years as Justice of the Peace. Gallatin County has never had a Court Administrator, so this local endeavor has both new and exciting prospects. The creation of this position was done without additional expense to Gallatin County. Mr. Goan's current areas of responsibility include all court reporting for Department No. 1, oversight of the District Court Budget, restitution programs, public defenders and other areas as assigned by the judges.

Judge Moran has established a Gallatin Bar Liaison Committee. With the input of the Committee, he has designed a pre-trial alternative dispute procedure with a revision of contested dissolution procedures, both of which are in the process of being implemented. Judge Moran has continued to make mediation available in his office for requesting parties, and has also scheduled all uncontested dissolutions to take place in the privacy of the jury room at any hour convenient for the parties.

Law Week, is a highlight in Gallatin County. The Montana Supreme Court normally hears two cases at Montana State University with Judge Olson and Judge Moran sitting with the Supreme Court. The event is well attended by both college and high school classes.

The Gallatin Valley continues to be one of the most heavily irrigated areas in Montana. This district historically has worked closely with the water users of the Gallatin Valley. The Court has appointed five water commissioners for the irrigation season.

On September 30, 1990, the Law and Justice Center were partially destroyed by fire. Damage to the gymnasium and record storage area was extensive, affecting electricity services to the entire building. The remainder of the building housing the two District Judges, Clerk of Court, Juvenile Probation, Conciliation Court, Justice Court, Sheriff Department and County Attorney have extensive smoke damage. All departments vacated the building and relocated to the Gallatin County Fairgrounds. The Court has continued to function. All jury trials and some judge trials were postponed and rescheduled. As of November 15, 1990, the courts were still at the fairgrounds and waiting to return to the Law and Justice Center.

Cases filed in the 18th Judicial District in 1990:

Criminal	135	9.59%
Civil	579	41.12%
Dom.Rel.	467	33.17%
Adoption	41	2.91%
Sanity	22	1.56%
Juvenile	31	2.20%
Probate	133	9.45%
TOTAL	1,408	

19TH JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Lincoln

NO. OF JUDGES: One

1990 POPULATION: 17,454

AREA IN SQUARE MILES: 3,714

DENSITY PER SQUARE MILE: 4.70

DISTRICT JUDGE:

The Honorable Robert Keller

CLERK OF THE DISTRICT COURT:

Lincoln Co.

Viona Lamey*

Lucille Briggs

*Retired 8-31-90

NINETEENTH JUDICIAL DISTRICTThe

Nineteenth Judicial District consists of Lincoln County. Law and motion days are being held every Monday (unless Monday is a holiday and then it is scheduled for Tuesday) and trials are set for the following day. We have found this system very workable for it gives the Clerk time to notify jurors of trials that settled, without coming down to the office on weekends. Ex parte matters can be heard at any time.

Viona Lamey, who had served in the Clerk of Court's Office from May 6, 1963 and became Clerk of the Court on January 2, 1987, announced her retirement and a reception was held in her honor on August 31, 1990. Lucille Briggs, who was Chief Deputy, was appointed her successor.

The Clerk of Court's Office has installed a computer system designed for the State's automation programs. The Clerk's Office has planned a meeting with the Court Administrator in hopes of implementing such a program by the first of the year.

During the year 1990, 220 civil cases, 113 criminal cases and 52 probates have been filed to November and there have been thirteen jury trials tried with eight more scheduled to the end of the year.

Each year the Court conducts a hearing involving inactive cases filed in our county. Such a hearing keeps our pending caseload current and provides the Court with a report reflecting the present status of each.

Cases filed in the 19th Judicial District in 1990:

Criminal	135	20.71%
Civil	247	37.88%
Dom.Rel.	136	20.86%

Adoption	20	3.07%
Sanity	7	1.07%
Juvenile	44	6.75%
Probate	63	9.66%
TOTAL	652	

20TH JUDICIAL DISTRICT

1990

COUNTIES IN THE DISTRICT:

Lake and Sanders

NO. OF JUDGES: One

1990 POPULATION: 29,629

AREA IN SQUARE MILES: 4,272

DENSITY PER SQUARE MILE: 6.94

DISTRICT JUDGE:

The Honorable C. B. McNeil

CLERKS OF THE DISTRICT COURT:

Lake Co.	Katherine E. Pedersen
Sanders Co.	Lisa Ferkovich

the most populous, per district judge, in the State of Montana with over 30,000 people in the jurisdiction.

The caseload reflects the population increase. The 1990 year totals, based upon statistics from the Court Administrator's office, indicate that the number of cases disposed of will equal the average for the last five years of 1,027 cases per year for the district.

A noteworthy area of accomplishment by the presiding judge, C. B. McNeil, is the active judicial supervision of probate files. When elected in November of 1984 upon the creation of the Twentieth District by combining Lake and Sanders Counties from the Fourth District, there were 81 open probate files which were over two years old, including 36 that were over five years old, four that were old enough to vote and one that had been open for 23 years. With the limited exception of a few probates which were created for the purpose of pursuing personal injury cases which have not been concluded, there are now no probate files over two years old.

At the Judge's request, the Clerks of Court in both counties compiled a list of all the ancient probate files, many of which predated the age of the computer and the filing of statistical reports with the Court Administrator's Office, and for which reasons many had not been included in the delinquent list now published annually by the Administrator.

Show cause orders were issued requiring the attorneys and personal representatives to appear personally in open court and explain why the estates had not been timely closed. In most cases the work got done and the estates were closed. This year the authority in Sec. 72-3-1015, MCA, was followed and two old probates were

TWENTIETH JUDICIAL DISTRICT

If the preliminary 1990 U. S. Census report is accurate, the Twentieth Judicial District is now

closed by court order without payment of attorney fees. Believe me, that word was spread among the District Bar.

It is suggested to any who may read this report that active judge supervision of the timely disposition of probate files is an essential and valuable service to the public by the judiciary. A desirable by-product is that the image of the Bar is enhanced.

Cases filed in the 20th Judicial District in 1990:

Criminal	214	21.64%
Civil	341	34.48%
Dom.Rel.	199	20.12%
Adoption	19	1.92%
Sanity	6	.61%
Juvenile	90	9.10%
Probate	120	12.13%
TOTAL	989	

MONTANA DISTRICT JUDGES

District Judges serving in 1990 are:

G. TODD BAUGH - District Judge, 13th Judicial District. Born October 12, 1941 in Sweetwater, Texas, and came to Montana in 1967. Received B.A. in Economics and Business from Rice University and LL.B from the University of Texas. Engaged in the general practice of law. Elected to the bench in 1984. Wife's name is Linda and they are the parents of one son and one daughter.

MAURICE R. COLBERG - District Judge, 13th Judicial District. Born December 26, 1934 in Minneapolis, Minnesota, and came to Montana in 1940. Served in the U. S. Army 1957-1958

and in the Army Reserve 1959-1965. Received a BS in Business Administration from the University of Montana in 1957, an LL.B from the University of Montana in 1960 and was awarded a J.D. degree from the University of Montana in 1970. Engaged in the general practice of law with emphasis on commercial litigation and served as a Trustee for Billings School District No. 2 1979-1985. Appointed to the bench November 10, 1989. His wife's name is Patricia and they are the parents of two sons and one daughter.

DALE COX - District Judge, 7th Judicial District. Born March 23, 1927 in Great Falls, Montana. Served in the U. S. Navy. Attended University of Montana, Washington University at St. Louis and received B.A. from St. Louis University and LL.B and J. D. from the University of Montana. Engaged in the general practice of Law and served as County Attorney for Dawson County. Appointed to the bench June, 1987. His wife's name is Jackline and they are the parents to two sons.

FRANK M. DAVIS - District Judge, 5th Judicial District. Born November 2, 1921 in Unicoi, Tennessee, and came to Montana in 1952. Attended East Tennessee State and received LL.B from the University of Tennessee. Served in the United States Air Force. Appointed to the bench May, 1970. Elected 1982 and 1988. His wife's name is Joan and they are the parents of three sons and two daughters.

LEIF B. ERICKSON - District Judge, 11th Judicial District. Born June 10, 1942 in Helena, Montana. Received J.D. from the University of Montana. Engaged in the general practice of law. Appointed to the bench in 1985, elected in 1988. Wife's name is Carole and they are the parents of one son and one daughter.

RUSSELL K. FILLNER - District Judge, 13th Judicial District. Born April 18, 1926 in Forsyth, Montana. Served in the U. S. Army. Received LL.B and Ph.D from the University of Montana. Served as County Attorney for Rosebud County 1953-1965, City Attorney, Forsyth, Montana 1953-1965, City Councilman, City of Billings. Engaged in the general practice of law. Appointed to the bench December, 1986, elected 1988. Wife's name is Jane and they are the parents of four sons and one daughter.

JACK L. GREEN - District Judge, 4th Judicial District. Born May 18, 1922 in Kalispell, Montana. Served in the U. S. Army. Received a B. A. LL.B and J.D. from the University of Montana. Engaged in the general practice of law and served as a member of the City Council in Missoula, Montana. Appointed to the bench May, 1963, and has served continually since his appointment. His wife's name is Pat and they are the parents of one son and two daughters.

DOUGLAS G. HARKIN - District Judge, 4th Judicial District. Born May 21, 1943 in Sidney, Montana. Served in the U. S. Marine Corps. Received a B.S. in Accounting and J.D. from the University of Montana. Engaged in the general practice of law and was County Attorney for Ravalli County. Elected to the bench in 1980 and 1986. Father of two sons and one daughter.

JOE L. HEGEL - District Judge, 16th Judicial District. Born April 10, 1951 in Forsyth, Montana. Served in the U. S. Air Force 1969-1972. Received a B.A. in Government from St. John's University in 1973, J.D. from the University of Montana in 1977, and LL.M in Taxation from Boston University in 1978. Engaged in the general practice of law with emphasis on criminal, domestic relations and firm finance. He was elected to the bench in

November 1988. His wife's name is Murielaise and they are the parents of one son and two daughters.

JOHN S. HENSON - District Judge, 4th Judicial District. Born September 29, 1940 in Wadsworth, Ohio. Came to Montana in 1971. Received a B.S. from Arizona State University and J. D. from the University of Kentucky. Engaged in the general practice of law and natural resource law. Served as County Attorney for Mineral County. Appointed to the bench May, 1979, and has served continually since his appointment. Father of one son and one daughter.

R. W. HOLMSTROM - District Judge, 13th Judicial District. Born March 29, 1928 in Garden City, Kansas, and moved to Montana in 1946. Served in the U. S. Navy 1945-46. Received a B.A. from the University of Montana in 1950 and a LL.B from the University of Montana in 1952. Engaged in the general practice of law with emphasis on litigation. Appointed to the bench March 16, 1984. His wife's name is Patricia and they are the parents of one son and one daughter.

THOMAS C. HONZEL - District Judge, 1st Judicial District. Born March 1, 1945 in Spokane, Washington. Came to Montana in 1946; Served in the U. S. Army; received a B.A. in English from Carroll College and J.D. from the University of Montana School of Law. Was engaged in the general practice of law and served as Deputy County Attorney for Lewis and Clark County. Elected to the bench November 1984. Wife's name is Mary and they are the parents of three sons.

MICHAEL H. KEEDY - District Judge, 11th Judicial District. Born April 7, 1943 in Falls

City, Nebraska. Came to Montana in 1974. Attended the University of Nebraska, received a B.A. in Political Science from Earlham College and J. D. from Washington University School of Law. Served in the Montana House of Representatives 1979-1981. Elected to the bench in 1982 and 1988. He is the father of one son and one daughter.

ROBERT S. KELLER - District Judge, 19th Judicial District. Born December 5, 1927 at Bellefonte, Pennsylvania. Served in U. S. Army. Received B.A. from Penn State University and LL.B and J.D. from the University of Utah. Engaged in the general practice of law. Elected District Judge, 11th Judicial District 1968 and served until May 1976. Appointed District Judge of the 19th Judicial District April 1988. Wife's name is Susan and they are the parents of two sons and two daughters.

LEONARD H. LANGEN - District Judge, 17th Judicial District. Born September 12, 1914 at Glasgow, Montana. Received BA in Economics and Sociology and LL.B and J.D. from Montana State University. Special Agent for FBI serving in Detroit, Indianapolis, New York City and Butte. Engaged in general practice of law at Glasgow in trial practice. President, Montana Judges Association, 1990. Elected to the bench in 1976, 1982 and 1988. Wife's name Kathryn and they are the parents of three sons and one daughter.

DOROTHY McCARTER - District Judge, 1st Judicial District. Born February 5, 1947 in Watertown, New York, and came to Montana in 1977. Received a B.S. in Elementary Education from the University of Colorado and J.D. from the New England School of Law. Served as law clerk in the 1st Judicial District and as Assistant Attorney General. Appointed to the bench October 5, 1989 and is the first woman to serve

as District Judge in the 1st Judicial District and the second woman to serve as District Judge in the State. Married to Mike McCarter and they are the parents of two sons.

JOHN M. McCARVEL - District Judge, 8th Judicial District. Born June 6, 1921 in Anaconda, Montana. Served in the U. S. Navy. Received B.A. from Carroll College, attended the University of Notre Dame and received a J.D. from the University of Michigan. Engaged in the general practice of law and served as County Attorney for Deer Lodge County. President of the Montana Judges Association 1986. Appointed to the bench January, 1979 and has served continually since his appointment. Wife's name is Corintha and they are the parents of five sons.

THOMAS McKITTRICK - District Judge, 8th Judicial District. Born January 7, 1944 in Anaconda, Montana. Received a B.A. in Political Science from Carroll College in 1966 and J.D. from Gonzaga. Engaged in the general practice of law and served as Deputy County Attorney for Cascade County. Appointed to the bench in December, 1983. His wife's name is Lisa and they are the parents of one son and one daughter.

ED McLEAN - District Judge, 4th Judicial District. Born April 12, 1946 in Anaconda, Montana. Attended the University of Washington, received B.S. in Business and J.D. from the University of Montana. Chief Criminal Deputy for the Missoula County Attorney's Office. Appointed to the bench February 1989. Wife's name is Sandy and they are the parents of two sons and one daughter.

C. B. McNEIL - District Judge, 20th Judicial District. Born February 17, 1937 in Anaconda, Montana. Served as a pilot in the U. S. Army.

Attended Montana School of Mines and received B. S. in Metallurgical Engineering, University of Alaska, J. D. University of Montana. Engaged in the general practice of law in Polson. Delegate, 1972 Montana Constitutional Convention. Elected to the bench 1984. His wife's name is JoAnn and they are the parents of one son and one daughter

RONALD D. McPHILLIPS - District Judge, 9th Judicial District. Born March 14, 1932 in Great Falls, Montana. Served in the U. S. Army 1952-1954. Received a B.S. in Business Administration, Banking and Finance from University of Montana in 1956. Attended Valpariso University Law School and received a J.D. degree from the University of Montana in 1960. Engaged in the general practice of law and was elected Toole County Attorney in 1960. Has served as District Judge since 1963. His wife's name is Bernice and they are the parents of three daughters.

TED L. MIZNER - District Judge, 3rd Judicial District. Born October 21, 1948 in Deer Lodge, Montana. Received B.S. in Business Administration-Accounting and J.D. from the University of Montana. Engaged in the general practice of law and served as County Attorney for Powell County. Appointed to the bench June, 1987. His wife's name is Gayle and they have three sons and one daughter.

LARRY MORAN - District Judge, 18th Judicial District. Born November 4, 1932. Engaged in the general practice of law. Received his law degree from the University of Colorado and was admitted to the practice of law in Montana in 1973. Appointed to the bench in September, 1989. Wife's name is Mona and they are the parents to two sons.

H. R. OBERT - District Judge, 7th Judicial District. Born June 20, 1925 in Milton, Oregon and came to Montana in 1976. Served in the U. S. Navy. Received a B.S. and J. D. from the University of Wisconsin. Engaged in the general practice of law. Elected to the bench in 1984. Wife's name is Myrna and they are the parents of two sons and three daughters.

ARNOLD H. OLSEN - District Judge, 2nd Judicial District. Born December 17, 1916 in Butte, Montana. Attended Montana School of Mines and received LL.B and J.D. from the University of Montana. Served as Attorney General of Montana 1949-1957, and served in the U. S. House of Representatives 1961-1971. Appointed to the bench in February 1975 and was elected in 1976, 1982 and 1988. Judge Olsen died October 8, 1990 at age 73.

THOMAS OLSON - District Judge, 18th Judicial District. Born May 30, 1938 in Glendive, Montana. Graduated from Montana State College in General Studies in 1960, and from the University of Montana Law School in 1963. He served as a Law Clerk for Chief Justice James T. Harrison. He was assigned as Legal Officer in the U. S. Marine Corps, attaining the rank of Captain. In 1967 he entered the private practice of law in Bozeman, and was twice elected Gallatin County Attorney. From 1975 to 1977, Olson served as United States Attorney for Montana. He was elected District Judge in 1982 and 1988. Wife's name is Ann and they are the parents of two sons and one daughter.

JAMES E. PURCELL - District Judge, 2nd Judicial District. Born December 29, 1929 in Helena, Montana. Attended Montana Tech and received a BA in Journalism from University of

Montana in 1952 and J.D. from the University of Montana Law School in 1958. Served in the United States Navy 1952-1954. Engaged in the general practice of law in Butte 1958 - 1990. Serve as a Trustee, School District No. 1, Butte, Montana, 1978-1980. Appointed to the Bench by Governor Stan Stephens November 19, 1990 to fill the unexpired term of Arnold H. Olsen. Sworn in 11-30-90. His wife's name is Mary Dawn and they are the parents of two daughters.

PETER L. RAPKOCH - District Judge, 10th Judicial District. Born September 15, 1925 in El Paso, Texas. Served in the U. S. Army 1944-46 and in the Reserves 1949-68. Received a B.S. degree in Political Science from Santa Clara University in 1953 and a LL.B from the University of Montana in 1957. Engaged in the general practice of law and served as Fergus County Attorney prior to being elected to the bench in 1982. Wife's name is Patricia and they are the parents of five sons and three daughters.

BYRON L. ROBB - District Judge, 6th Judicial District. Born May 22, 1930 in Livingston, Montana. Served in the U. S. Army. Received B. S. in Business Administration and LL.B from the University of Montana. Engaged in the general practice of law and served as County Attorney for Park County. Elected to the bench in 1982 and 1988. Wife's name is Jeannette and they are the parents of two sons and two daughters.

ROY C. RODEGHIERO - District Judge, 14th Judicial District. Born March 28, 1936 in Roundup, Montana. Received B.A. in Business Administration and J.D. from Montana State University. Engaged in the general practice of law and served as County Attorney for Musselshell County. Elected to the bench in 1982 and 1988. Wife's name is Janet and they

are the parents of two sons and four daughters.

JOEL G. ROTH - District Judge, 8th Judicial District. Born June 6, 1929 in Billings, Montana. Served in the U. S. Army. Attended the University of Nebraska and received B. A. in Business Administration and LL.B from the University of Montana. Engaged in the general practice of law, served as Deputy County Attorney for Cascade County, and with the United States Securities and Exchange Commission. Elected to the Office of Justice of the Peace in Cascade County. President of the Montana Judges Association, 1989. Elected to the bench 1976, 1982 and 1988. Widower and the father of one son.

JEFFREY SHERLOCK - District Judge, 1st Judicial District. Born April 3, 1950 in Great Falls, Montana. Received a B.A. and J.D. from the University of Montana. Served as City Attorney for the City of Helena and was engaged in the general practice of law. Elected to the bench November, 1988. Wife's name is Melissa and they have one daughter.

M. JAMES SORTE - District Judge, 15th Judicial District. Born February 22, 1931 in Plentywood, Montana. Served in the U. S. Air Force. Received B. A. in Political Science and History and LL.B from the University of Montana. Engaged in the general practice of law and served as Assistant County Attorney and Assistant Attorney General. President of the Montana Judges Association, 1981. Appointed to the bench August 1969, and has served continuously since then. His wife's name is Anne and they are the parents of one daughter.

WILLIAM J. SPEARE - District Judge, 13th Judicial District. Born February 14, 1929 in

Sioux City, Iowa, came to Montana two months later. Served in the U. S. Air Force. Attended Montana State University and received LL.B from the University of Montana. Engaged in the general practice of law. Served as County Attorney for Yellowstone County 1959-1965 and in the Montana House of Representatives 1969-1971. Appointed to the bench in October, 1979, reelected in 1982 and 1988. His wife's name is Shirley and they are the parents of one son and two daughters.

MARK P. SULLIVAN - District Judge, 2nd Judicial District. Born February 24, 1928 in Great Falls, Montana. Received a B.A. in Business Administration from the University of Montana and J.D. from Georgetown University. Served in the U. S. Marine Corps. Engaged in the general practice of law and served as County Attorney for Silver Bow County. Appointed to the bench in October 1980 and was reelected in 1982, 1988. He is the father of two sons and two daughters.

JOHN WARNER - District Judge, 12th Judicial District. Born January 22, 1943 in Great Falls, Montana. Attended the College of Great Falls, received a B.A. in History and Political Science and an LL.B from the University of Montana. District Delegate, Montana Officials Association; Past President, 12th Judicial Bar Association; Past President, State Bar of Montana. Elected to the bench 1988. His wife's name is Katherine and they are the parents of 3 sons and 3 daughters.

KENNETH R. WILSON - District Judge, 16th Judicial District. Born August 6, 1933 in Townsend, Massachusetts and came to Montana in 1959. Served in the U. S. Air Force. Received B.A. in History from Clark University and an LL.B from Montana State University. Engaged in the general practice of law and served as Deputy County Attorney for Custer

County and City Attorney for the City of Miles City. Elected to the bench in 1988. His wife's name is Joan and they are the parents of two sons and two daughters.

MONTANA JUDGE'S ASSOCIATION

The Montana Judge's Association was established to promote and foster improvement in the Court system and the laws of the State of Montana; to promote and foster the continued education of judges; and to provide a forum for the exchange of ideas and information useful to judges. Membership of the Association consists of currently serving Supreme Court and District Court Judges. Retired Supreme Court and District Court Judges are included as associate members. The association meets twice each year. Members receive CLE credits for seminars presented at the meetings.

Officers of the Montana Judge's Association for the term October, 1990 - October 1991 are:

President	Frank M. Davis 5th Judicial District
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Vice-President	William Speare 13th Judicial District
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Secretary/Treasurer	Robert Holmstrom 13th Judicial District
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JUDGE DAVIS



JUDGE SPEARE

CLERKS OF THE DISTRICT COURT

Clerks of the District Court maintain complete records of cases filed and proceedings conducted in the District Court within the county they represent. Minutes of daily court proceedings are maintained by the Clerk, who also keeps records of such matters as court orders and decrees, and a ledger of criminal cases. In addition, the Clerk issues marriage licenses and has administrative responsibilities in terms of jury selection, and keeps citizenship and naturalization records.

The Clerk of the District Court is a partisan elected county position and serves a four year term. If a vacancy occurs in the Office of the Clerk of the District Court, the vacancy is filled by appointment of the Board of County Commissioners.

The fees collected by the Clerks of the District Court are distributed under the provisions of Section 25-1-201, MCA. On a statewide average, about fifty-one percent of these collections remain in the county while forty-nine percent are transmitted to the State Treasurer and are distributed to various accounts such as the State General Fund, Judges Retirement, Battered Spouse Program, Big Brothers and Sisters, and Child Abuse and Neglect Trust Fund. Fees collected by the Clerks of the District Court in FY 1988 were \$1,816,041, FY 1989, \$1,710,715 and in FY 1990, \$1,764,093.

MONTANA ASSOCIATION OF CLERKS OF THE DISTRICT COURT

The Montana Association of Clerks of District Court convened in Lewistown, Montana, on May 14-15, 1965, for an organizational meeting. The Association held its 25th anniversary meeting in June, 1990, in Whitefish.

Eight districts have been formed throughout the state of Montana to enable clerks to meet twice a year to discuss mutual problems and ideals. The Association itself meets annually, usually in the county of the president, for their annual convention. By inviting guest speakers, holding workshops, and through discussions, the clerks have worked to standardize procedures and to become informed with new laws and techniques.

In 1973, a committee compiled the first handbook for Clerks of Court. The handbook is constantly being updated and through revisions is kept current. In 1976, the Clerks of Court began to actively work with the Court Administrator's Office. At that time a method of reporting and filing data to the Supreme Court was formulated and has continued to date.

The various committees of the association meet through the year to update the handbook, work on legislation as it pertains to our office, puts together training sessions and has worked with and through the Court Administrator to put on schools for the clerks of court.

In the fall of 1989 a new program for certifying Clerks of Court was started. Over a three year period a Clerk of the District Court will gain credits toward becoming certified by attending the annual school, participation in conventions and workshops, serving as an officer or committee chairperson on a statewide or national level, or as a panelist, speaker or instructor. Past experience as a clerk or deputy also earns credit toward certification.

It is the desire of the Montana Association of Clerks of District Court to help one another to share knowledge and information, to constantly improve and to be better Clerks of Court in order to perform our jobs in a professional manner and to better serve the public.

Officers of the Montana Association of Clerks of District Court are:

President Lori Maloney
 Silver Bow County

1st Vice President Charmaine R. Fisher
 Yellowstone County

2nd Vice President John Poundstone
 Beaverhead County

Secretary Penny Underdahl
 Toole County

Treasurer Patty Jo Henthorn
 Sweet Grass County



MONTANA ASSOCIATION OF CLERKS OF DISTRICT COURT
25TH ANNIVERSARY MEETING - JUNE, 1990

STATEWIDE JUDICIAL INFORMATION SYSTEMS

The Statewide Judicial Information System (SJIS) is a computerized district court case history tracking system. The SJIS was implemented in July 1976 and was the result of both legislative and judicial desires to have timely and accurate statistical information on district court operations.

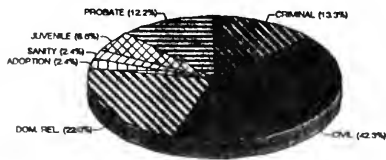
The State Judicial Information System provides vital data for managing and improving court operations at the trial court level. The System does this by tracking district court filings -- on a monthly and yearly basis -- by county and district of filing, by type of case, by the judge responsible for it, and by the length of time the case has been pending. This information aids court managers, legislators, and the citizens of Montana in making decisions regarding the allocation of available court resources.

Cases filed statewide in 1990:

Criminal	3,771	13.25%
Civil	12,029	42.28%
Dom. Rel.	6,261	22.01%
Adoption	691	2.43%
Sanity	672	2.36%
Juvenile	1,565	5.50%
Probate	3,462	12.17%

TOTAL 28,451

MONTANA DISTRICT COURT TOTAL CASES FILED - 1990



COURTS OF LIMITED JURISDICTION

JUSTICE COURTS

Justice of the Peace Courts are Montana's major Courts of Limited Jurisdiction. Their original jurisdiction presently includes most civil cases where a recovery will not exceed \$3,500; all misdemeanors punishable by a fine not exceeding \$500 or imprisonment not exceeding six months, including all traffic cases; or concurrent jurisdiction with the District Courts of all misdemeanors punishable by a fine exceeding \$500 or imprisonment exceeding 6 months or both such fine and imprisonment. These Courts also exercise concurrent jurisdiction with the District Court in actions of forcible entry, unlawful detainer, and residential landlord-tenant disputes. They do not have jurisdiction over felonies except for initial appearances and preliminary hearings.

By law, there must be at least one Justice of the Peace Court in each of Montana's 56 counties, which must be located at the County Seat. A Justice of the Peace may be appointed by a City or Town Council to serve as City Judge. At present there are 77 Justices of the Peace with 32 of these also serving as City Judges.

Justices of the Peace are elected on a nonpartisan ballot for a four year term. Requirements for the Office of Justice of the Peace include United States citizenship and residency in the County where the Court is held for one year. Each elected or appointed Justice of the Peace is required to attend two annual training sessions supervised by the Supreme Court. Failure to attend the training sessions disqualifies the Justice of the Peace from office and creates a vacancy in that office. Since 1985 Justices of the Peace are also required to obtain a Certificate of Completion for a course of

education and training prescribed by the Commission on Courts of Limited Jurisdiction. When a vacancy occurs in the office of Justice of the Peace, a successor is appointed by the Board of County Commissioners.

Fifty percent of all fees collected in Justice Court are retained by the County and the remaining fifty percent of the fees are remitted to the State Treasurer to be distributed among the State General Fund, Fish and Game, State Highway, Traffic Education, Department of Livestock, Crime Victims Compensation and Department of Family Services accounts in the State Special Revenue Fund. Fees remitted to the State Treasurer in FY 1989 were \$2,468,966, and in FY 1990 the fees remitted were \$2,609,735. (3-10-602, MCA).

CITY COURTS

Montana statute allows the creation of City Courts. These courts have concurrent jurisdiction with Justice Courts for all misdemeanors punishable by a fine not exceeding \$500 nor exceeding six months imprisonment. City Courts exercise exclusive jurisdiction over municipal ordinances. In a town or third class city, the governing body may designate a Justice Court of the County to act as City Court.

A City Judge is elected on a nonpartisan ballot to a four year term and must have the same qualifications as those required of a Justice of the Peace. Like Justices of the Peace and Municipal Judges, City Judges are required to attend two annual training sessions supervised by the Supreme Court. Failure to attend the training sessions disqualifies the Judge and creates a vacancy in the office. City Judges are also required to obtain a Certificate of Completion for a course of education and training prescribed by the Commission on Courts of Limited Jurisdiction. When a vacancy occurs

in the office of City Judge the position is filled by the governing body of the City or Town.

At the present time there are 45 City Judges, 32 Justices of the Peace also serve as City Judges in various locations.

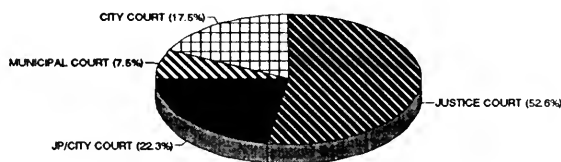
MUNICIPAL COURTS

Montana statute allows for the creation of Municipal Courts for those cities that have a population of 10,000 or more. A Municipal Court may be established by City ordinance passed by a two-thirds vote of the governing body. In cities where a Municipal Court is established the office of City Judge is abolished. Presently there is only one Municipal Court in operation in the State of Montana. The Court is in Missoula.

While a Municipal Court Judge must have the same qualifications as a District Court Judge, he has the same jurisdiction as a Justice of the Peace. A Municipal Court Judge is elected for a four year term on a nonpartisan ballot. Training requirements for a Municipal Judge are identical to those for City Judges and Justices of the Peace. A vacancy in the Office of Municipal Judge is filled by appointment by the governing body of the City.

In FY 90 the Courts of Limited Jurisdiction handled an estimated 300,000 cases and collected more than \$9,000,000 in revenues.

COURTS OF LIMITED JURISDICTION TOTAL CASES 1989



SPECIAL JURISDICTION COURTS

WATER COURT

The Montana Water Court was created by the 1979 Legislative Session in response to concerns that the existing program of water adjudication, which was set up under the 1973 Water Use Act, would take a hundred years to complete. The Legislature created the Water Court to "expedite and facilitate" the adjudication of "existing" water rights - those rights that were in existence prior to July 1, 1973.

There are four water divisions in the State that are formed by the natural divides between drainages and the border of the State. The four major water divisions in Montana are the Yellowstone River Basin, the Lower Missouri River Basin, the Upper Missouri River Basin and the Clark Fork River Basin.

The Chief Water Judge is appointed by the Chief Justice of the Supreme Court from a list of nominees submitted by the Judicial Nominations Commission, and serves a four year term. Water Judges are designated for each water division by a majority vote of a committee composed of the District Judge from each single judge judicial district, and the Chief District Judge from each multiple judge judicial district. The term of office for Water Judges is four years. The Water Judges and their divisions are:

C. Bruce Loble
Chief Water Judge

Judge Leif Erickson
Clark Fork Division

Judge Bernard W. Thomas
Lower Missouri Division

Judge Roy C. Rodeghiero
Yellowstone Division

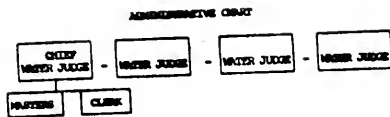
(Vacant)
Upper Missouri Division

Five Water Masters and four Clerks are employed by the Water Court. The Water Judges and Masters conduct hearings and make decisions concerning any objections made to a temporary preliminary or preliminary decree of water rights. The Clerk of the Water Court and her deputy function in a manner similar to the Clerk of the District Court.

Funding for Water Court is derived from various revenue sources which include coal tax money, resource indemnity trust money and various other sources of bond and income revenues.

The work of the Water Courts have been slowed by litigation concerning the Court's role in its adjudication of the State's pre-1973 water. However, out of the 85 basins within the State of Montana, 6 basins have final decrees, 6 basins have preliminary decrees and 33 basins have temporary preliminary decrees. The Fort Peck basin has been completed with a compact approved by the Legislature. The 1989 Legislature has required the Water Court to reopen and review all preliminary or final decrees that were issued before April 21, 1981. This statute will require all 6 preliminary and all 6 final decrees to be reopened and reviewed. Including the Powder River Basin the total number of claims decreed is 95,972 out of a total of 215,421 in the entire state leaving 119,449 claims yet to be adjudicated. The Musselshell River Below Roundup Basin Temporary Preliminary Decree was issued in February 1990 and the Ruby River Basin Temporary Preliminary was issued in November 1990. The Court is

already been decreed.



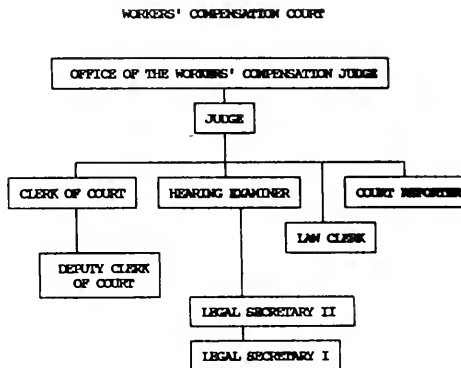
WORKERS' COMPENSATION COURT

The 44th Legislative Assembly created the Office of the Workers' Compensation Judge on July 1, 1975 to adjudicate disputes arising out of the workers' compensation benefit program. The Workers' Compensation Court has exclusive jurisdiction to make determinations concerning disputes arising under Title 39.

To accomplish legislative intent, the Office of the Workers' Compensation Judge is organized and functions in much the same manner as a district court, except that it is not bound by common law nor statutory rules of evidence and follows the appropriate provisions of the Montana Administrative Procedures Act. Legislative changes in 1987 provide that Rules of Evidence do apply in cases where the injury occurred after July 1, 1987.

The Workers' Compensation Judge is appointed by the Governor from a list of nominees submitted by the Judicial Nomination

Commission, and serves a six year term. The Workers' Compensation Judge must have the same qualifications necessary to hold the office of District Court Judge. Effective January 1, 1990 the Office of the Workers' Compensation Judge is assigned to the Department of Labor and Industry for administrative purposes only.



ADMINISTRATION OF THE JUDICIAL SYSTEM

The Constitution of the State of Montana charges the Supreme Court with the ultimate responsibility for the efficient and effective operation of the judicial system. The Constitution gives the Supreme Court "general supervisory control over all other courts" and allows the Supreme Court to make rules governing appellate procedure, practice and procedure for all other courts and to regulate admission to the bar and conduct of attorneys.

To assist the Court in fulfilling its administrative and supervisory duties, the Supreme Court relies on presiding District Court Judges, the Office of Court Administrator, the Clerk of the Supreme Court, and various boards and commissions. The activities of these offices and boards and commissions during calendar year 1990 are highlighted below.

OFFICE OF THE COURT ADMINISTRATOR

In October 1975, The Supreme Court established the Office of Court Administrator to assist the Court with its administrative duties. The Legislature made the office statutory in 1977 (3-1-701). The Court Administrator is appointed by the Supreme Court and holds the position at the pleasure of the Court.

The Office of the Court Administrator assists the Supreme Court in preparing judicial budget proposals, monitoring and managing the judicial budget, coordinating judicial education services, providing central staff services to various boards and commissions, and providing long-range planning and research for statewide judicial needs.

This year the Administrative Office has been especially involved with automation projects authorized by the 1989 Legislature.

In March of 1989, the Supreme Court -- responding to recommendations made by the Commission on the Use of Appropriate Technology -- established six computer standards for Judicial offices that are meant to enhance judicial automation uniformity, connectivity, communication, training, sharing of resources, and long-term cost savings. The Order provides a unified direction for judicial automation that is also in compliance with the directions that are being taken by both the Legislative and Executive Branches of State Government.

With the Legislature's financial support, the administrative office hired two staff members and began a pilot project in the First Judicial District offices located in Helena. To date the automation staff has accomplished the following tasks:

- ♦ Evaluated several existing software packages that do court management. During this process, it was decided to develop court management software in-house. This decision was seen as one that would be slower than buying a ready made package but one that was affordable and cost-effective for Montana courts.
- ♦ Evaluated several 4th generation data base programs for software development purposes. Selected Advanced Revelation for software development purposes.
- ♦ Began a pilot project in the First Judicial District Offices located in Helena. The pilot involves judges, secretaries, law clerks, clerks of district court, restitution officers, the Justice of the Peace office, and the County Attorney. The project completely automated the wordprocessing, budgeting, mail, and some calendaring using WordPerfect Office and Lotus 1-2-3. The civil case management software and random jury selection software have been operational since September 1, 1990 in the District Court. When final testing is completed, these programs will be made available to other courts. The idea that we can create and test software one time and provide it them to other courts at no additional cost is central to the automation effort. The alternative is constantly paying throughout the state at all levels of the courts to create unique software.

- ◆ Conducted training for various district and limited jurisdiction courts on wordprocessing, spreadsheet, and calendaring programs and case management software.
- ◆ Moved the Supreme Court off an obsolete word processing system onto a PC based local area network (LAN), developed an automated docketing system for the Clerk of the Supreme Courts Office, developed a case tracking system for Justice's and their secretaries.
- ◆ Have under development a restitution software module for District Court and a citations module for Justice of the Peace Court which should be operational in the first quarter of 1991; and
- ◆ Assisted numerous district and limited jurisdiction courts with hardware configurations, ordering, installation, and training necessary to begin using PC's for court case management. The 12th Judicial District, for example, operates a PC LAN in Havre and standalone PC's in Chester and Fort Benton.

During the remainder of this biennium the project will complete the development and training on the civil case management, citations, and random jury selection programs, continue the training, installation, and trouble shooting for the pilot and other districts and continue further software development.

With Legislative approval in the coming biennium, it is anticipated that the staff will continue to develop appropriate modules for case management at the district court and limited jurisdiction level. Modules that are needed at the district court level are criminal, juvenile, and probate case processing along with the

accounting modules for fee collections and trust fund accounting. At the limited jurisdiction level, software is needed for civil case tracking, small claims, and accounting. In addition, automated calendaring that integrates with the case management modules must be developed.

Along with these development efforts, the staff will continue to work on wordprocessing macros, do installation and training on-sit, and conduct large group training for judges, clerks of district court, and limited jurisdiction judges. This training will be integrated into existing judicial conferences and meetings during the biennium.

In 1987, when the Judiciary began to look at its automation needs in an organized manner, there were over 3,000 PC's in use in State Government. The Supreme Court had one PC, and there were only a handful in other courts. Many courts were still using carbon paper! Judicial offices have made tremendous progress in the last two years -- but we have a long way to go.

CLERK OF THE SUPREME COURT

The Clerk of the Supreme Court assists the Court, the legal community and the public, in processing appeals and original proceedings from the early filing stages through final disposition. The Clerk is elected on a partisan ballot in a statewide election to a six year term. The current Clerk of the Supreme Court is Ed Smith of Helena.

The primary responsibilities of the Office of the Clerk are specified in the Montana statutes, and consist of processing all documents relative to Supreme Court appeals and petitions for the various writs, including writs of supervisory control, habeas corpus and mandamus, which are filed with the Court. The office also provides

the Court a weekly status report of pending cases.

The Clerk has additional duties as well, including the preparation of minutes of all oral arguments, collecting the annual attorney license tax for more than 2,800 attorneys, and maintaining the roll of Montana attorneys. Certificates of Good Standing and Certificates of Admission are issued by the Clerk, who also has an integral role in the bar admission process. The Clerk manages a staff of three individuals, consisting of one deputy clerk and two assistant clerks.

The Office of the clerk utilizes an automated docketing program using personal computers with a unique word processing program. The system is user oriented, and provides the Court, Judicial personnel and the public with the ability to track cases through the appeals process. During 1990, the office developed a new automated system for processing attorney license taxes and maintaining a roll of current attorneys.

The Clerk's Office docketed 633 cases in 1990. This comprised a total of 397 civil appeals, 107 criminal appeals, and 129 original proceedings.

During 1990, the office collected \$158,527 in fees and taxes. This amount was comprised of \$36,514 in Court fees, bar examination fees of \$53,598, and \$68,415 in attorney license taxes.

In 1991, the Clerk's Office will undertake an effort in conjunction with its charge to store and preserve Supreme Court records. The office will utilize available technologies to develop a permanent record of each Supreme Court case filed since 1938 (cases prior to 1938 have been microfilmed). This effort will ensure public access to Supreme Court actions.

STATE LAW LIBRARY

1990 was a successful year for the State Law Library, as its momentum continued in the areas of automation and legal outreach. A training center for computer assisted legal research was constructed, with equipment and telephone lines for ten computers donated by vendors. The Law Library now conducts routine training for any legal professional in the state on a weekly basis. The staff assisted the producer of MONTLAW in beta testing a new database containing Montana legal materials. The hundreds of files that are searchable in various legal databases have been added to the library's public access catalog, so that patrons will know they have access to information that is not held in the library in print format. We are looking forward to the time we will have the resources to make the Library's holdings available to users around the state through dial-up access.

In May the Law Library sponsored a Symposium on Medical Ethics and the Law. In addition to bringing to our state a keynote speaker who is a national legal expert on bioethics, several Montana scholars were invited to address the symposium on problems where the law may not have kept up with modern medical technology. A Symposium Handbook was published by the Library which should serve as an important research guide for the bench and bar for a long time.

During the year members of the Law Library's staff taught various courses on legal research to many groups, such as students from the VoTech Centers and the Youth in Government program, state government attorneys, legal secretaries, paralegals, and budget analysts. At the end of the year a publishing project which has taken a lot of effort was being readied to go to the

printer. Our *Guide to Montana Legal Research* will be made available to high schools, public libraries, and people working in the legal profession as the first comprehensive research manual on conducting legal research for the state.

January 6th through 8th saw the Governor's Conference on Library and Information Services bring delegates from all over Montana to discuss problems and suggest solutions to issues involving the acquisition, dissemination, and sharing of various forms of information. The State Law Librarian was the Director and Presiding Official for this major Conference, which will effect our citizens' access to the information required for literacy, productivity and democracy as we approach the 21st century. The Library is proud to be honored with the reputation it has earned around the state and nationally as being a leader in multi-type library networking and resource sharing.

ADVISORY BOARDS AND COMMISSIONS OF THE SUPREME COURT OF MONTANA

The Supreme Court utilizes the services of several boards and commissions in order to discharge its general administrative and supervisory responsibilities delegated by the Constitution. The various boards and commissions are charged by the Court to address specific issues or areas of expertise and to report problems and recommendations to the Supreme Court.

The activities of the advisory boards and commissions during the 1990 are summarized below.

JUDICIAL NOMINATION COMMISSION

The Judicial Nomination Commission, created under 3-1-1001, MCA, is charged with the responsibility of providing the Governor with a list of candidates for appointment to fill any vacancy on the Supreme Court, District Court, or Workers Compensation Court, and to provide the Chief Justice of the Supreme Court with a list of candidates for appointment to fill any term or vacancy for the Chief Water Judge. The Commission is composed of seven members: four lay members from different geographical areas of the state who are appointed by the Governor; two attorneys, one from each congressional district, appointed by the Supreme Court; and one District Judge who is elected by District Judges from around the state. Commission members serve a four year term and are not eligible for nomination to a judicial office during their term on the Commission or for one year thereafter.

When a vacancy occurs on the Supreme Court or in a District Court, the Commission is required to meet and within 30 days after the vacancy has been verified by the Chief Justice, and submit to the Governor a list of not less than three nor more than five nominees for appointment. The same process is true for a vacancy in the Office of Chief Water Judge, except that the nominees are made to the Chief Justice for eventual appointment. The Governor and Chief Justice are limited to making appointments from the list of nominees submitted by the Judicial Nominations Commission.

If the Governor fails to nominate within 30 days after receipt of a list of nominees, the Chief Justice (or acting Chief Justice) makes the nomination.

The Commission meets as necessary when a

vacancy occurs or a term expires. The Commission met once in calendar year 1986, four times in calendar year 1987 and twice in calendar year 1988. In 1989 the Commission met a total of six times, once to nominate to fill a vacancy on the Supreme Court (Gulbrandson/Barz), four times to nominate to fill vacancies on the District Court (Wheelis/McLean; Gary/Moran; Loble/McCarter and Barz/Colberg) and once to nominate for the position of Chief Water Judge. W. W. Lessley was appointed to a second term. In 1990 the Commission met twice, once to nominate to fill a vacancy as Chief Water Judge (Lessley/Loble) and once to nominate to fill a vacancy on the District Court (Olsen/Purcell).

SENTENCE REVIEW BOARD

Anyone sentenced to a year or more in the Montana State Prison may request judicial review of the sentence. Applications for sentence review must be made within sixty days from the date the sentence was imposed.

The Sentence Review Division of the Supreme Court consist of three District Court Judges appointed by the Chief Justice for three-year terms. The Chief Justice designates one of the Judges as chairman.

The Sentence Review Board meets at least four times each year in the Administrative Building at the State Prison in Deer Lodge. (MCA, 46-18-901).

The workload of the Sentence Review Board has increased steadily in the past few years. One-hundred and one applications were filed with the Board in 1985, 128 in 1986, 140 in 1987, 159 in 1988, 148 in 1989, and in 1990, 205 applications were filed with the Board.

COMMISSION ON UNAUTHORIZED PRACTICE

The investigation of complaints alleging that a person is practicing law without having been admitted to the bar is the responsibility of the Commission on Unauthorized Practice. The Commission was created by the Supreme Court on June 30, 1976. Investigations of unauthorized practice originally had been the responsibility of the Commission on Practice.

The Commission on Unauthorized Practice is made up of five members appointed by the Supreme Court for two year terms. The Commission meets when necessary to investigate complaints of unauthorized practice of law.

COMMISSION ON COURTS OF LIMITED JURISDICTION

Two years after the adoption of a of a new Constitution, the Supreme Court established the Commission on Courts of Limited Jurisdiction to assist in setting general policies for Limited Jurisdiction Courts. The Commission was charged with preparing a set of rules of practice and procedures designed to carry out the principles of the 1972 Constitution and to improve and make court practices uniform throughout the state. The Commission was also charged with studying the limited jurisdiction court system and making recommendation to the Supreme Court for improvements.

Originally, the Supreme Court appointed eight to the Commission for an indefinite term.

The Supreme Court re-established the Commission in August, 1976, with a new emphasis on continuing education for limited

jurisdiction judges. Currently, the Commission holds ten meetings each year and conducts two annual training sessions for all elected and appointed Justices of the Peace and City Judges. Judges of Courts of Limited Jurisdiction received 33.75 hours of training in calendar year 1987, 47.75 hours of training in calendar year 1988, 42.75 hours of training in calendar year 1989 and 50.5 hours of training in calendar year 1990. Also in 1990 the Commission administered a written certification test to all Limited Jurisdiction Court Judges.

The current Commission consists of nine members appointed by the Supreme Court for four year terms. Membership on the Commission is represented by one district judge, one city representative, one county representative, one State Bar representative, one city judge representing a small community, one justice of the peace representing a small community, one justice of the peace representing a large community, one member at large, and the President of the Montana Magistrates Association.

BOARD OF BAR EXAMINERS

The Board of Bar Examiners is responsible for conducting the licensing examination for attorneys who wish to practice law in the State of Montana. At the end of 1990, there were 2,777 attorneys licensed to practice law in Montana.

The Board of Bar Examiners is appointed by the Supreme Court. Terms of the Board members are permanent, however, the Supreme Court may release, dismiss, or remove any member of the Board and appoint other members in his or her stead at any time. The Supreme Court Administrator serves as the Board's Administrator.

The Board of Bar Examiners conducts the examination of applications for admission to the bar. The Board performs such duties and renders such assistance in the examination of applicants as may be prescribed by the Supreme Court.

The Boards offers a February and July examination each year. Applicants are examined on their legal ability, and character and fitness to practice law. The Montana State Bar Examination consists of a one day Multistate Bar Examination and a one and a half day Montana Essay Examination.

STATE BAR EXAMINATIONS 1983 - 1990			
DATE OF EXAM	NUMBER OF APPLICANTS	NUMBER SUCCESSFUL	PERCENT SUCCESSFUL
2-83	24	17	71
8-83	38	32	84
2-84	31	23	84
7-84	98	81	83
2-85	39	22	56
7-85	125	108	86
2-86	34	20	59
7-86	119	85	71
2-87	46	33	72
7-87	90	87	97
2-88	25	17	68
7-88	89	78	88
2-89	22	16	73
7-89	80	73	91
2-90	19	6	68
7-90	94	83	88

COMMISSION CONCERNING RULES OF ADMISSION TO THE PRACTICE OF LAW IN THE STATE OF MONTANA

A Commission Concerning Rules of Admission to the Practice of Law in the State of Montana was created by Court Order of the Supreme Court on June 18, 1985. The Commission was instructed to study the Court's existing rules on admission to the practice of law and to make recommendations to the Supreme Court as the

Commission deems appropriate.

Membership on the Commission is represented by two non-lawyers, one District Judge, one member of the Board of Bar Examiners, and seven members of the State Bar of Montana.

Members of the Commission are appointed by the Supreme Court for an indefinite term.

COMMISSION ON RULES OF EVIDENCE

The Supreme Court established the Commission on Rules of Evidence by Order Number 12729 on April 5, 1974. The Commission on Rules of Evidence was instructed to study the present Code of Evidence and the practice thereunder, together with other developments and proposals in the field of evidentiary law and to make recommendations from time to time, for appropriate revision of the Code of Evidence.

The Commission on Rules of Evidence is made up of 13 members who are appointed by the Supreme Court for an indefinite term.

ADVISORY COMMISSION ON RULES OF CIVIL AND APPELLATE PROCEDURE

The Advisory Commission on Rules of Civil and Appellate Procedure was established by Order of the Supreme Court on February 15, 1983. The Commission is charged with analyzing changes in the Federal Rules of Civil Procedure to determine whether further modifications of the Montana Rules of Civil Procedure and the Montana Rules of Appellate Procedure should be adopted. Modifications are necessary from time to time in order to coordinate with federal

rules and procedural changes. The goal is to keep current with developing changes and to promote speedy resolution of litigation.

The Advisory Commission meets periodically to review rules and make recommendations to the Supreme Court for necessary modifications.

The eleven member Commission is appointed by the Supreme Court for an indefinite term.

COMMISSION ON THE USE OF APPROPRIATE TECHNOLOGY IN THE MONTANA JUDICIARY

The Supreme Court established an eleven member Commission on the Use of Appropriate Technology in the Montana Judiciary in December, 1987. The Commission was directed to review the current and future uses of appropriate technology within the Montana Judiciary. The Supreme Court's goal in establishing such a commission was to begin an assessment of automation needs for the Judiciary and develop a long-range plan for coordinated acquisition and use of computer equipment.

The Commission continued its work in 1990 and recommended computer standards for judicial offices to the Supreme Court. The Supreme Court has adopted six automation standards that are meant to begin the process of moving Montana's Judicial System in the direction of a uniform hardware/software system and providing unified training and support services that are realistic given Montana's resources, that are up-to-date and cost-effective, and that can be shared statewide between Courts. Standards also provide written guidelines on issues related to

information security and backup for essential court records. Copies of the Order on Court Automation Standards are available through the Office of the Court Administrator.

DISCIPLINARY BOARDS

COMMISSION ON PRACTICE

The Commission on Practice is responsible for examining complaints alleging unethical conduct by Montana attorneys.

The Supreme Court established the Commission by Order dated January 5, 1965. Besides receiving and investigating complaints of alleged misconduct, the Commission also has the responsibility for investigating and reporting on the merits of any petition for reinstatement to the practice of law.

The 1965 Order establishing the Commission on Practice called for the appointment of eight attorney members, one from each region established in the Order. The Supreme Court appointed members from a list of three nominees submitted from each area. On August 22, 1979, the Supreme Court enlarged the Commission from eight to eleven members. The three additional members are non-attorneys. They are appointed at large by the Supreme Court. All members of the Commission on Practice serve a four year term.

The Commission's caseload has increased significantly in the last few years. The Commission received 147 complaints in 1985, 165 complaints in 1986, 192 complaints in 1987, 194 complaints in 1988, 213 complaints in 1989, and in 1990 the Commission received 227 complaints.

SUMMARY OF COMMISSION ON PRACTICE COMPLAINTS FOR THE YEAR 1990

Number of Complaints filed for the period	227
Number of Complaints pending at the end of 1990	81
TOTAL	308

Disposition of Complaints:

Dismissed by Commission	182
Private Reprimand	1
Public Reprimand	2
Suspension	1
Disbarment	3
Disciplinary Proceedings instituted and pending	7
Complaints pending 12/31/90	112
TOTAL	308

JUDICIAL STANDARDS COMMISSION

Article VII, Section 11 of the Montana Constitution directs the Legislature to create a five member Judicial Standards Commission empowered to investigate complaints against any judge and to hold hearings concerning the discipline, removal, or retirement of any judge. The Commission is attached to the Supreme Court for administrative purposes only. The work, investigations, and recommendations of the Commission are entirely independent of the Supreme Court.

Whenever the Commission makes a recommendation to the Supreme Court concerning discipline or removal of a judicial officer, the Court may take appropriate action

concerning the recommendation. The Supreme Court may censure, suspend or remove any justice or judge for willful misconduct in office, willful and persistent failure to perform his duties, violation of canons of judicial ethics adopted by the Supreme Court of the State of Montana, or habitual intemperance. In addition, the Supreme Court may retire any justice or judge for a permanent disability that seriously interferes with the performance of his or her duties.

The Judicial Standards Commission is a five-member body consisting of two district judges from different judicial districts who are elected by all the district judges; one attorney who has practiced law in the state for at least ten years, appointed by the Supreme Court; and two citizens from different congressional districts who are not attorneys or judges, active or retired. These two members are appointed by the Governor. Members of the Judicial Standards Commission serve a four year term.

The Commission meets quarterly to consider complaints. The Commission received 12 complaints in 1985, 11 complaints in 1986, 37 complaints in 1987, 35 complaints in 1988, 37 complaints in 1989, and in 1990 the Commission received 30 complaints.

SUMMARY OF JUDICIAL STANDARDS COMMISSION COMPLAINTS FOR THE YEAR 1990

Number of Complaints filed	
for the period	30
Number of Complaints pending	
at the end of 1990	12
TOTAL	42

Disposition of Complaints:

Dismissed by Commission	29
Private Reprimand	2
Public Reprimand	0
Suspension	1
Disbarment	0
Disciplinary Proceedings	
instituted and pending	2
Complaints pending 12/31/90	8
TOTAL	42



THE LAST FIVE MEMBER SUPREME COURT

Seated left to right, Justices John C. Harrison, Gene B. Daly,
Chief Justice Frank I Haswell, Justices John C. Sheehy, Daniel
J. Shea.

STATE BAR OF MONTANA

HISTORY AND PURPOSE OF THE ASSOCIATION

The State Bar of Montana was created by order of the Montana Supreme Court in January, 1974. In its Order, the Court provided that all persons practicing law in the state were obliged to be members of the State Bar. Prior to that date, the State had a voluntary bar association -- the Montana Bar Association.

The purposes of the State Bar are to aid the courts in maintaining and improving the administration of justice; to foster, maintain and require on the part of attorneys, high standards of integrity, learning, competence, public service, and conduct; to safeguard proper professional interests of members of the bar; to encourage the formation and activities of local bar associations; to provide a forum for discussion of and effective action concerning subjects pertaining to the practice of law, the science of jurisprudence and law reform, and relations of the Bar to the public; to provide for the continuing legal education of members of the Bar and to insure that the responsibilities of the legal profession to the public are more effectively discharged.

GOVERNANCE

The State Bar is governed by a 20-member Board of Trustees. Sixteen members of the Board are elected by the active members of the Bar to two-year terms from State Bar areas. State Bar areas are made up of one or several judicial districts. The other four Board members are the President and President-Elect, who are elected statewide to one-year terms, the Secretary-Treasurer, who is elected statewide to a two-year term, and the Immediate Past

President.

ACTIVITIES AND PROGRAMS

Major activities and programs of the State Bar include:

A program of Mandatory Continuing Legal Education, requiring active members of the State Bar to secure 15 hours of continuing legal education each year.

A client Security Fund which makes restitution in cases where an attorney has improperly appropriated client funds. Twenty dollars of each active member's dues is earmarked for this program. Since its inception, \$362,000 in restitution has been paid by the Client Security Fund.

A Lawyer Referral Service, which allows members of the public to identify a lawyer who can help them with their particular legal problem. The Service receives about 3,000 calls and makes approximately 2,300 referrals each year.

A fee Arbitration program to settle fee disputes between an attorney and a client short of litigation.

Publication of information pamphlets for the general public on a wide variety of legal subjects, including marriage and divorce, landlord-tenant law, small claims court, rights of clients, wills and probate, etc.

Character and fitness reviews to determine if

applicants for admission to the State Bar possess the necessary traits of character and fitness for the practice of law.

Provision of direct financial support for legal services to the poor through the Montana Law Foundation.

A variety of services to its members, including continuing legal education seminars and legal publications.

MEMBERSHIP DATA

As of October 10, 1990, State Bar membership totaled 2,777. Of this number, 2,100 are in-state members and 600 are out-of-state members. Of the same total, 2,249 were active members, 461 were inactive, and 77 had judicial status.

FINANCIAL INFORMATION

Annual dues are \$120 for active members and \$50 for inactive members. Judicial members do not pay dues while serving on the bench (These assessments are in addition to the \$25 paid to the Clerk of Court for the statutory lawyer license fee.)

Dues income constitutes the major source of income to the State Bar. Other revenue sources include income from State Bar sponsored continuing legal education programs and the sale of publications.

PRESIDENTS OF THE ASSOCIATION

Past presidents of the State Bar of Montana are as follows:

1975-76 Marshall H. Murray
 Kalispell

1976-77	Thomas H. Mahan Helena
1977-78	Bruce R. Toole Billings
1978-79	Theodore K. Thompson Havre
1979-80	L. Morris Ormseth Great Falls
1980-81	Robert D. Corette Butte
1981-82	Alexander A. George Missoula
1982-83	Ward A. Shanahan Helena
1983-84	Sandy McCracken Great Falls
1984-85	Douglas A. Wold Polson
1985-86	George C. Dalthorp Billings
1986-87	Terry N. Trieweller Whitefish
1987-88	John A. Warner Havre
1988-89	Max A. Hansen Dillon
1989-90	Gary L. Spaeth Red Lodge

THE UNIVERSITY OF MONTANA SCHOOL OF LAW

The University of Montana School of Law, founded in 1911, is the oldest professional school at the University of Montana. [The second profession school to be established at Montana State University (now University of Montana), the Law School was antedated only by the School of Engineering, which was transferred to Montana State College (now MSU) in 1913]. While the creation of a law school had been contemplated in the 1893 Act establishing the University of Montana, the founding of the Law School was made possible by a gift from the widow of William Wirt Dixon, a well known and respected Montana lawyer. Mrs. Dixon's gift spurred the Legislature to enact a bill establishing the Department of Law.

From an enrollment of 17 in the first year of its existence, the School of Law grew steadily until 1970 when the law faculty voted to cap admissions to the first year program at 75. Since 1970, the number of applications for admission to the Law School has far exceeded the number of positions available in the first year class. For example, over three hundred applications were received for positions in the law class which entered in September of 1990.

In voting to limit to 75 the number of entering students, the law faculty also limited the enrollment of nonresidents to no more than twenty percent of an entering class. Nonresident applications have increased dramatically in recent years - the School in 1990 received more than ten nonresident applications for every nonresident position.

Although the Law School ranks among the smallest ABA approved law schools in the Nation, its student population is diverse. Typically, some thirty undergraduate institutions

are represented in each entering class. The average entering age of law students today is approximately 30. As this statistic suggests, many students enter law school after engaging in other careers.

While the first woman was admitted to the Law School in 1913, it was not until the mid-1970's that women began applying to the Law School in large numbers. Since the early 1980's women have comprised between 33 - 40% of the student population. Twenty-five of the 75 students who began their law studies in September 1990 are women.

Native American enrollment at the Law School reached an all-time high this Fall with 13 Native American students enrolled. This enrollment constitutes approximately 7% of the student population. The Law School's commitment to a strong Indian Law Program accounts in no small part for the relatively large enrollment of Native American students. In addition to courses in Indian Law, the Law School has for the last decade operated an Indian Law Clinic as a part of its clinical education program. While providing valuable services to the various tribal courts and governments, the Indian Law Clinic provides Indian and non-Indian law students the opportunity to develop knowledge and skills which will prepare them for work on or near Montana's seven Indian reservations.

During the last decade the law faculty have been engaged in an ambitious project to design and implement a curriculum which will prepare our graduates for the demands of modern law practice. To that end, the law faculty developed one of the most ambitious legal writing programs in the country, designed an innovative introductory program for first year students,

established a first-year law firm program, and developed teaching materials which integrate theory and practice. As a part of this curriculum project, the faculty are in the process of identifying what knowledge and skills every graduate should possess; what transactions every graduate should be competent to handle; and what personal qualities every graduate must develop to be an effective and responsible lawyer.

The curriculum evolving from these efforts has attracted national attention. For example, the October 1990 issue of Prentice Hall's publication *Lawyer Hiring and Training Report*, profiles three law schools considered to be the most innovative law schools in the nation. University of Montana School of Law is one of those three! The Law School will also be one of a small number of law schools whose curricular efforts will be featured at the 1991 Association of American Law School's annual meeting in Washington, D.C.

The Law School's emphasis in recent years on the integration of theory and practice has undoubtedly been an important factor in the School's remarkable record in various regional and national law school competitions. During the last decade, the Law School represented the Northwest eight times in the final rounds of the National Moot Court Competition in New York. In 1981 the Law School won the National Moot Court Competition, on two other occasions Law School Moot Court teams tied for fourth place in the nation, and last year the Law School team tied for third place in the nation. The School's negotiation team has placed first in the Western Regional ABA Negotiations competition in three of the last five years. The 1990-91 Law School negotiation team will represent the West final rounds of the ABA Negotiations Competition in Seattle in February, 1991. In 1989, the Law School's trial advocacy team placed second in the nation. This record of accomplishment by UM

teams certainly reflects favorably on the School's students, its faculty, and curriculum.

In addition to its work on curriculum, the law faculty continues to be active in research and writing and in public service activities. Articles of law faculty appear regularly in major national law journals; faculty play key roles on many state Bar committees; and faculty actively participate in law reform efforts.

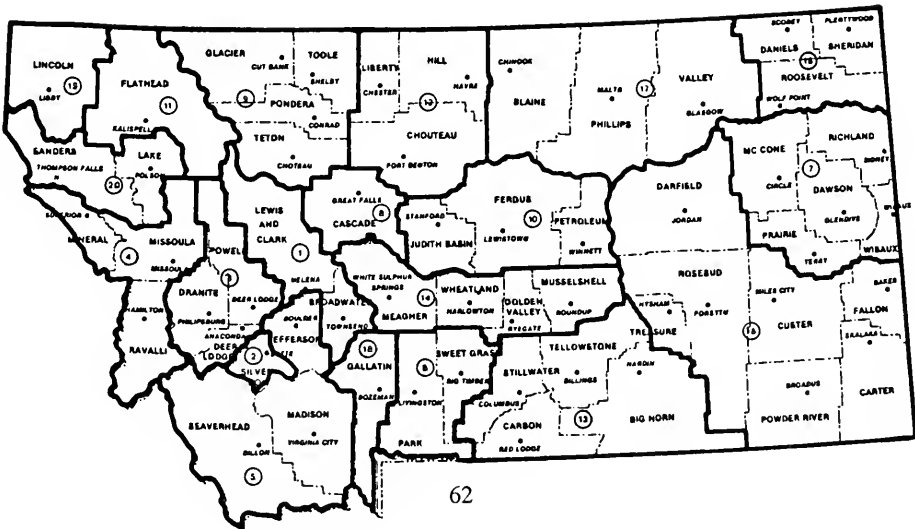
Public education regarding the law has also been a priority for the Law School. In recent years, the School has sponsored or co-sponsored public conferences on topics such as the 1972 Montana Constitution, the public's right to know versus the right of privacy, a patient's right to choose medical treatment, and securities regulation. The Law School has participated with the Montana Supreme Court in programs designed to educate the public regarding the Montana judicial system. Most recently, the Law School, in conjunction with the Western Montana Bar Association and the Montana Trial Lawyers, conducted a seven week "Citizens Law School Program," addressing a range of common legal problems. Over one hundred local citizens were enrolled in this program.

The Law School has a long and proud tradition of education and public service. Together with the Judiciary and the Bar of this state, the Law School is working to prepare students to be effective lawyers and leaders in their communities. As this brief overview indicates, Montanans have many reasons to be proud of their School of Law.

JUDICIAL DISTRICT BY COUNTY

Beaverhead	5	Granite	3	Powell	3
Big Horn	13	Hill	2	Prairie	7
Blaine	17	Jefferson	5	Ravalli	4
Broadwater	1	Judith Basin	10	Richland	7
Carbon	13	Lake	20	Roosevelt	15
Carter	16	Lewis and Clark	1	Rosebud	16
Cascade	8	Liberty	12	Sanders	20
Chouteau	12	Lincoln	19	Sheridan	15
Custer	16	McCone	7	Silver Bow	2
Daniels	15	Madison	5	Stillwater	13
Dawson	7	Meagher	14	Sweet Grass	6
Deer Lodge	3	Mineral	4	Teton	9
Fallon	16	Missoula	4	Toole	9
Fergus	10	Musselshell	14	Treasure	16
Flathead	11	Park	6	Valley	17
Gallatin	18	Petroleum	10	Wheatland	14
Garfield	16	Phillips	17	Wibaux	7
Glacier	9	Pondera	9	Yellowstone	13
Golden Valley	14	Powder River	16		

MONTANA JUDICIAL DISTRICTS



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